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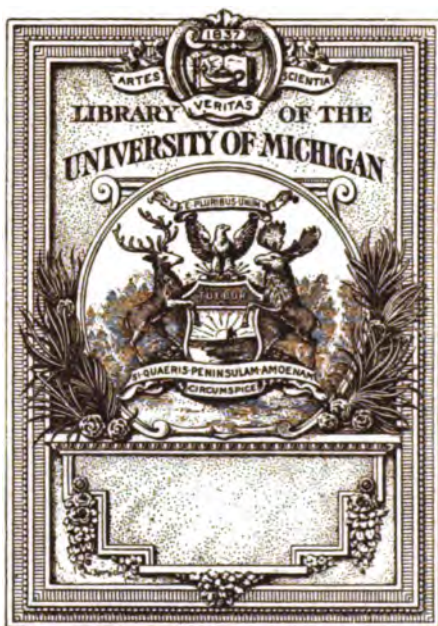
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LOCAL ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN,

PASSED AT THE

REGULAR SESSION OF 1875.



BY AUTHORITY.

LANSING:

W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.

1875.

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	the session laws of eighteen hundred and sixty-seven, approved March five, eighteen hundred and sixty-seven, as amended by act number three hundred and thirty, of the session laws of eighteen hundred and sixty-nine, approved March twenty-two, eighteen hundred and sixty-nine, as amended by act number two hundred and forty-six of the session laws of eighteen hundred and seventy-three, approved April four, eighteen hundred and seventy-three, being sections four, thirty-six, thirty-nine, forty-nine, fifty-two, eighty-five, and eighty-six, and to add one new section to stand as section nineteen, and to repeal section two of an act entitled "An act to incorporate the city of Wyandotte," being act number two hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven, approved March five, eighteen hundred and sixty-seven, approved April 27.....	678
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LAWS OF MICHIGAN.

[No. 235.]

AN ACT to legalize the tax roll of the township of Casinovia, in the county of Muskegon, for the year eighteen hundred and seventy-four.

SECTION 1. *The People of the State of Michigan enact, That* the tax roll of the township of Casinovia, in the county of Muskegon, for the year eighteen hundred and seventy-four, upon which the taxes of said township of Casinovia are now being collected, be, and the same is hereby declared to be as legal and valid as though the estimate for teachers' wages and contingent expenses of fractional school district No. 1, Tyrone and Casinovia, of Kent and Muskegon counties, for the school year ending the first Monday of September, in the year of our Lord one thousand eight hundred and seventy-five, had been signed by the district board. Tax roll legalized.

SEC. 2. This act shall take immediate effect.

Approved February 2, 1875.

[No. 236.]

AN ACT to legalize the tax roll of the township of Tyrone in the county of Kent, for the year eighteen hundred and seventy-four.

SECTION 1. *The People of the State of Michigan enact, That* the tax roll of the township of Tyrone, in the county of Kent, for the year eighteen hundred and seventy-four, upon which the taxes of said township of Tyrone are now being collected, be and the same is hereby declared to be as legal and valid as though the estimate for teacher's wages and contingent expenses of fractional school district number one, Tyrone and Casinovia, of Kent and Muskegon counties, for the school year ending the first Monday of September, in the year of our Lord one thousand eight hundred and seventy-five, had been signed by the district board. Tax roll legalized.

SEC. 2. This act shall take immediate effect.

Approved February 2, 1875.

[No. 237.]

AN ACT to change the name of the Societé de Bienfaisance Lafayette de Detroit.

Name changed. SECTION 1. *The People of the State of Michigan enact, That the name of the Societé de Bienfaisance Lafayette de Detroit be, and the same is hereby changed to Societé de Secours Mutuels et de Bienfaisance Lafayette de Detroit.*

Approved February 2, 1875.

[No. 238.]

AN ACT to change the corporate name of the Lutheran Dutch German Church of Bainbridge, in the county of Berrien, and State of Michigan.

Name changed. SECTION 1. *The People of the State of Michigan enact, That the corporate name of the Lutheran Dutch German Church of Bainbridge in the county of Berrien and State of Michigan be and the same is hereby changed, and that hereafter the name of said society shall be the United Evangelical Lutheran St. Paul's Congregation of Bainbridge, Michigan.*

Rights, etc., of society under new name. SEC. 2. The said society, under and by the name of the United Evangelical Lutheran St. Paul's Congregation of Bainbridge, in the aforesaid county and State, shall be entitled to the same rights and privileges, shall succeed to all the property and franchises, and be subject to the same liabilities as though the name of said society had remained unchanged.

SEC. 3. This act shall take immediate effect.

Approved February 2, 1875.

[No. 239.]

AN ACT to change the name of the township of Killbuck in Lake county to Glencoe.

Name changed. SECTION 1. *The People of the State of Michigan enact, That the name of the township of Killbuck in Lake county be and is hereby changed to Glencoe.*

Debts, liabilities, credits, etc., of Killbuck, to become those of Glencoe. SEC. 2. All debts, liabilities, rights, privileges and immunities of every nature incurred by said township of Killbuck by or with any persons or corporations shall remain as binding and valid against said township of Glencoe as they would have been had the name not been changed.

SEC. 3. This act shall take immediate effect.

Approved February 4, 1875.

[No. 240.]

AN ACT to amend section three of an act entitled "An act to incorporate the Trustees of Mountain Home Cemetery," approved March twenty-eight, eighteen hundred and forty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled "An act to incorporate the Trustees of Mountain Home Cemetery," approved March twenty-eight, eighteen hundred and forty-nine, be and the same is hereby amended so as to read as follows:

SEC. 3. The said corporation may purchase and hold such real estate as may be deemed expedient for the purposes of laying out and establishing a rural cemetery, to be reserved as a place of interment, in the vicinity of the village of Kalamazoo, and to make additions to said real estate from time to time, as may become necessary, either by purchase, gift, grant, or otherwise; but all such real estate, whether by original or subsequent purchase, shall be reserved for no other purpose than for a cemetery, and such fixtures as shall be necessary to belong to it. And such real estate shall never be sold or converted to any other use forever hereafter than the one expressed in this section. The plat of said cemetery, to be adopted by the said trustees, or the avenues, roads, walks, or grounds laid off and reserved for shrubbery or other ornamental purposes, shall never be subject to be changed or altered except by a unanimous vote of all the trustees. And all moneys realized from the sale of lots, after paying the original purchase price of said land, shall be appropriated at the discretion of the corporation to the improvement of said cemetery; or a portion of said avails may be set apart as a permanent fund, the interest of which shall be hereafter and forever annually expended in keeping the said cemetery in repair and good order.

Purchase of land for cemetery, etc.

Appropriation of moneys realized from sale of lots.

SEC. 2. This act shall take immediate effect.

Approved February 4, 1875.

[No. 241.]

AN ACT to authorize the common council of the city of Port Huron to re-assess the expenses of constructing certain sewers in said city upon the lands, lots, and premises benefited thereby.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Port Huron is hereby authorized to levy and assess upon the lands, lots, and premises benefited thereby, the cost and expense of constructing the following sewers heretofore constructed in said city, to wit: the Superior street sewer, so-called, commencing at the south line of Suffern street, at its intersection with Superior street, and running in and through Superior street until it connects with the main sewer, on Park Place; the Water street sewer, commencing at the south line of Pine street, at its intersection with the alley between Military and Sixth streets, and extending northerly in and through said alley,

Common council authorized to assess lots, etc., benefited by certain sewers.

Sewers specified.

to its intersection with Water street, thence along Water street to its intersection with Military street, thence in and along Military street to Black river; and the Huron avenue sewer, commencing at Black river and extending in and through Huron avenue to the north line of Broad street, at the point of its intersection with said Huron avenue.

Council to declare by resolution what lots have been benefited, etc.

SEC. 2. Before said assessment shall be made, the common council shall, by resolution, declare what lands, lots, and premises are and have been benefited by the construction of each of said sewers respectively, which said lots, lands, and premises shall constitute an assessment district, for the purpose of assessing the cost and expense of the construction of each of said sewers.

Resolution to be published.

SEC. 3. The resolution provided for in section (2) two of this act shall be published for at least two weeks, in at least two newspapers published and circulating in said city, one of which shall be the official paper thereof, which said publication shall be deemed sufficient notice to the owner or occupants of the said lots, lands, and premises of the assessment for said sewers.

Assessment roll.

SEC. 4. At the time of the passage of the said resolution mentioned in section two (2) of this act, or as soon thereafter as may be, the said common council shall cause an assessment roll to be prepared for each of said assessment districts, containing in each case the whole number of superficial feet contained in the lots, lands, and premises comprising said district; the number of superficial feet in each lot or description of land within said district; the name of the owner or occupant (if known) of each lot or description of land; the whole amount of tax to be raised upon said lands; the amount assessed against each of said lots or descriptions, which said assessment shall be in proportion to the number of superficial feet therein. The said assessment [roll] shall remain on file with the clerk of said city for the space of at least two weeks, at the end of which time the same shall be a valid lien and assessment upon and against the said several lots and descriptions of land mentioned in the said assessment roll, to the amount of the assessment therein respectively, and shall be collected in the same manner as other assessments in said city.

How long to remain on file with city clerk.
Lien.

SEC. 5. This act shall take immediate effect.

Approved February 18, 1875.

[No. 242.]

AN ACT to authorize the common council of the city of Detroit to provide money for the construction of public sewers.

Council may raise money and issue bonds for construction of sewers.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Detroit shall have power to provide money for the purpose of constructing sewers at such localities as the board of public works may deem proper and recommend, upon the faith and credit of said city, and upon the best terms that can be made, in amount not exceeding three hundred thousand dollars, and to issue the bonds of said city to an

Amount limited.

amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest; but said bonds shall not be negotiated at less than their par value; said bonds shall be denominated "Public Sewer Bonds of the City of Detroit;" shall be regularly dated and numbered in the order of their issue; shall be for sums of not less than five hundred dollars each; shall bear interest not exceeding seven per cent per annum; shall be payable in not less than twenty years from date; shall be issued under the seal of the city, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond; its rate of interest; when and where the same is payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer, and be credited to the public sewer fund, and applied exclusively to the purposes for which said fund is constituted as above.

Bonds, how
denominated,
when payable,
etc.

Controller to
keep record of
bonds.

Proceeds, how
credited and
applied.

SEC. 2. No bonds shall be issued as aforesaid for the purpose of constructing said sewers, unless approved by a majority of the board of estimates at a regular meeting held for the purpose of considering the estimates for general city taxes. The common council shall cause to be presented to said meeting an estimate of the board of public works of the necessary cost of constructing said sewers recommended to be constructed as aforesaid. If a majority of the board of estimates consent to the estimate presented, or any part thereof, the board of public works shall then be authorized to contract for the construction of said sewers, at a cost and expense not exceeding in amount the estimate or part thereof thus consented to; and the common council shall have power to borrow money therefor and issue bonds as above provided.

To be approved
by board of
estimates.

SEC. 3. This act shall take immediate effect.

Approved February 18, 1875.

[No. 243.]

AN ACT fixing the time of the election of the recorder of the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That the next election of recorder of the city of Detroit shall be held on the first Monday of April, in the year eighteen hundred and seventy-five. Notice of such election shall be given by the clerk of said city, in the manner prescribed by law in the case of the election of city officers; and the provisions of law relative to holding elections of city officers in said city, canvassing the votes, and making returns thereof, so far as applicable, shall apply to such election.

Time and notice
of election, etc.

SEC. 2. On the first Monday of April, next preceding the expiration of the term of office of said recorder, his successor shall be elected, in the same manner as that herein prescribed for the election of said recorder.

Idem.

Acts repealed. SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take immediate effect.

Approved February 18, 1875.

[No. 244.]

AN ACT to detach certain territory from the township of Baraga, in the county of Houghton, and attach it to the township of Portage, in said county of Houghton.

Territory detached from Baraga and attached to Portage.

SECTION 1. *The People of the State of Michigan enact*, That all that portion of the township of Baraga, in the county of Houghton, lying west of a line beginning at the intersection of Sturgeon river with the township line between townships fifty-two and fifty-three north, thence following up the river to its south branch in section eleven, township forty-eight north, of range thirty-five west; thence following up said branch to the southeast corner of township forty-seven north, of range thirty-five west, be and the same is hereby detached from the said township of Baraga and attached to the township of Portage, in said county of Houghton.

SEC. 2. This act shall take immediate effect.

Approved February 18, 1875.

[No. 245.]

AN ACT to extend the time for the collection of taxes in the township of Chase, in the county of Lake, for the year eighteen hundred and seventy-four.

Time for the collection of taxes extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Chase, in the county of Lake, for the year eighteen hundred and seventy-four, be and the same is hereby extended until the first day of May, eighteen hundred and seventy-five.

Treasurer authorized to collect.

SEC. 2. The treasurer of said township is hereby authorized and empowered to proceed to collect said tax as fully as he could do in the lifetime of his warrant, and to make returns on or before the first day of May, eighteen hundred and seventy-five, and the warrant of said treasurer is hereby revived and continued in full force and virtue for the purpose aforesaid, until the said first day of May next.

Warrant continued in force.

Treasurer to pay over money collected and renew his bond.

SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Transcript of unpaid taxes returned to Auditor General.

SEC. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such

unpaid taxes shall be collected in the same manner, and with interest computed for the same time as other taxes for the year eighteen hundred and seventy-four, duly returned to the Auditor General for non-payment.

SEC. 5. This act shall take immediate effect.

Approved February 24, 1875.

[No. 246.]

AN ACT to legalize the tax roll of the city of Detroit, in the county of Wayne, for the year eighteen hundred and seventy-four (1874), and to extend the time for the collection of the taxes therein.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the city of Detroit, in the county of Wayne, for the year eighteen hundred and seventy-four, be and the same is hereby declared to be as valid and legal as though the same had been made out and delivered to the county treasurer at the time prescribed by law. Tax roll legalized

SEC. 2. The time for the collection of the taxes in said city of Detroit, for the year eighteen hundred and seventy-four, is hereby extended until the first Monday in April, eighteen hundred and seventy-five. Time extended.

SEC. 3. The treasurer of said county of Wayne is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrants, and to make returns in the manner prescribed by law, on or before said first Monday in April, eighteen hundred and seventy-five; and his said warrant is hereby revived and continued in full force and virtue, for the purposes aforesaid, until the said first Monday in April, eighteen hundred and seventy-five. Collection of taxes.
Warrant continued in force.

SEC. 4. It shall be the duty of the collectors of said city, before they shall be entitled to the benefits of this act, to renew their official bonds to the satisfaction of the treasurer of said county of Wayne. Renewal of bonds.

SEC. 5. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy-four, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes to be returned to Auditor General.

SEC. 6. This act shall take immediate effect.

Approved February 25, 1875.

[No. 247.]

AN ACT to organize the township of Michigamme, in Marquette county.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That* township forty-eight north, of ranges twenty nine and thirty west; township forty-nine north, of ranges twenty-eight, twenty-nine, and thirty west; townships fifty and fifty-one north, of ranges twenty-eight and twenty-nine west, and fractional township fifty-two north, of ranges twenty-eight and twenty-nine west, be and the same are hereby organized into a separate township by the name of the township of Michigamme.

Township divided into election precincts.

SEC. 2. Said township is hereby divided into two precincts for the purposes of holding elections, and shall be known as "election precinct number one," and "election precinct number two." All the electors of said township residing in township forty-eight north, of range thirty west (except sections thirty-four, thirty-five, and thirty-six in said township), and township forty-nine north, of said range thirty west, shall vote in election precinct number one, and all the electors of said township residing in the remainder of said township [of] Michigamme, including said sections thirty-four, thirty-five, and thirty-six, shall vote in election precinct number two.

First election.

SEC. 3. The first township meeting in said township shall be held on the first Monday of April next, as follows: at election precinct number one at the house of Patrick Pierce, at the village of Michigamme, and Jacob Houghton, Edwin D. Hall, and I. O. Camph are hereby authorized to act as inspectors of election in said precinct number one at the first township meeting to be held in said township. At election precinct number two at Champion Hall, at the Champion mine, and John R. Case, James Pascoe, and D. T. Denton are hereby authorized to act as inspectors of election in said precinct number two at said first township meeting.

Inspectors, canvass of votes.

SEC. 4. At the first election the inspectors herein appointed shall, at the close of the polls, publicly canvass the votes and announce the result at each precinct, and on the following day both boards of inspectors shall meet at the office of the Michigamme Company, in election precinct number one, and canvass and declare the result, and at all subsequent elections in said township the inspectors of election of each of said precincts shall, on the day following any annual, general, or special election or township meeting, file with the township clerk of said township a statement subscribed by them setting forth the names of the persons voted for and the whole number of votes cast for each of such persons at such election or meeting, and the name of the office voted for, and the supervisor, township clerk, and township treasurer shall constitute a board of township canvassers to canvass the votes and declare the result of the election in said township according to the statements of such election filed with the township clerk as aforesaid. Said board of township canvassers shall, on the day following said election or meeting, canvass and declare the result

Statement of votes to be filed with township clerk.**Board of canvassers.**

of said election. The supervisor shall be chairman, and the township clerk shall be clerk of said board, and all the proceedings before said board shall be the same as before boards of county canvassers in canvassing the votes and declaring the result of county elections, except as is herein provided to the contrary.

SEC. 5. In case the inspectors of election fail to file such statements with the township clerk by two o'clock in the afternoon of the day following any annual, or general, or special election, it shall be the duty of the township clerk to send immediately for such statements, and said board of canvassers may adjourn from day to day until said statements are procured. The result of the election shall be read by the township clerk as declared by the board of township canvassers to the persons there assembled, and such reading shall be sufficient notice to all persons elected at that election to any office whose names are on either of the poll lists at either precinct in said township.

Of failure of inspectors to file statements with clerk.

SEC. 6. All township elections shall be held and conducted in each precinct in said township in the same manner as in other townships under the general laws of this State, except as herein provided to the contrary. The board of township canvassers of said township shall perform all the duties required to be performed by the inspectors of election of townships under the general election laws of the State, except as herein provided to the contrary. All returns of elections required by law to be made by township inspectors of election to the county clerk or board of county canvassers, shall be made by the inspectors of said election precincts to said board of township canvassers. In case any member of such board of township canvassers is absent, or in case there is any vacancy or vacancies in said board, whenever said board is required to meet by the provisions of this act or by any other law of this State, the electors present at the time and place of meeting of such board shall have power to fill all vacancies that may exist, and shall also have power to fill any vacancy that may occur in said board during its session, and the persons so chosen shall be members of such board of township canvassers during such session.

Manner of conducting elections

Duty of board of township canvassers.

Vacancy.

SEC. 7. At all subsequent elections held in said township, the supervisor, clerk, and justice of the peace whose term of office will first expire, will be inspectors of election in the precinct in which they reside, and the township board of said township shall have the right, on or before the Saturday preceding any annual, general, or special election, to appoint three additional inspectors of election for either or both of said precincts, as the case may be, and according as it may be necessary, and in case no inspectors are appointed or do not appear, the electors present at the time for opening the polls, at each precinct, may choose inspectors of election to fill any vacancy that may occur.

Appointment of inspectors in case of vacancy.

SEC. 8. The inspectors of election of each precinct shall have the same powers as inspectors of election in other townships, and all elections shall be held at the same places that the last election was held, unless it becomes impracticable to do so, when the inspectors of each precinct may adjourn to the nearest convenient place to

Power of inspectors and place of holding election.

Inspectors shall constitute a board of registration.

where said last election was held, the same as inspectors in other townships with only one voting place may do.

SEC. 9. The persons herein constituted a board of inspectors in each precinct shall also constitute a board of registration in each precinct for said first election on the first Monday of April next, and they shall each meet at the house of said Patrick Pierce and at said Champion Hall on the Saturday preceding said first election, and shall then and there proceed to make a registration of the electors in each precinct the same as in townships with one voting place.

Township clerk to be custodian of register.

SEC. 10. The township clerk shall be the custodian of the registers of electors, and at all subsequent elections there shall be a board of registration and a register of electors in each precinct, as follows: The supervisor, township clerk, and treasurer shall be members of the board of registration of the precinct in which they may reside, and the township board of said township shall, on or before the Friday preceding any election, appoint persons sufficient in number with said supervisor, clerk, and treasurer to form a board of registration of three in number in each precinct.

Members of board.

Meeting of board.

SEC. 11. It shall be the duty of each board of registration to assemble at some convenient place in each precinct (to be designated by the township board) on the Saturday preceding any election, as in other townships, of which ten days' previous notice of the time and place of meeting shall be given by the township board, and shall then and there proceed to register the names of all applicants having the necessary qualifications. Said inspectors and members of the board of registration shall take the constitutional oath of office before entering on the discharge of the duties of their office. In case no place is designated for holding the session of said board of registration, it shall be held in each precinct at the place where the last session of the board of registration was held, and the electors present at the time when such board shall assemble shall have power to fill all vacancies that may occur in said board. Said board of registration in each precinct shall proceed in the same manner as in townships having but one board of registration, and shall have all the powers and be subject to all the liabilities of other boards of registration in the other townships of this State, and all the laws relating to the registration of electors of this State shall apply to the registration of electors in said precincts, the same as in townships with only one voting place.

Oath of office.

Manner of conducting registration.

SEC. 12. This act shall take immediate effect.

Approved February 25, 1875.

[No. 248.]

AN ACT to authorize the township of James to purchase of the "Swan Creek and Saginaw Bridge Company" its bridge across the Tittabawassee River, and to hold the same as a toll bridge.

Township of James authorized to purchase bridge.

SECTION 1. *The People of the State of Michigan enact, That the township of James, in the county of Saginaw, is hereby au-*

thorized to purchase of the Swan Creek and Saginaw Bridge Company its bridge across the Tittabawassee River, in the township of James aforesaid, built by and belonging to said company, at and for a price not exceeding three hundred dollars; and to raise the money by a tax upon the taxable property of said township, or to issue the bonds of said township payable within two years from the date thereof, with interest not exceeding ten per cent per annum, to pay therefor: *Provided*, That a majority of the qualified voters of said township, at any annual township meeting, shall first vote in favor of purchasing said bridge, and in favor of raising the money by tax, or issuing the bonds of the township, to pay therefor.

May raise money by tax or bond.

Provided electors vote to purchase bridge.

SEC. 2. The vote upon the question of purchasing said bridge, and raising the money by tax, or issuing the bonds of the township to pay therefor, shall be by ballot, and the ballots shall have written or printed thereon, "Purchasing the bridge and raising the money therefor by tax,—Yes," or, "Purchasing the bridge and raising the money therefor by tax,—No," or, "Purchasing the bridge and issuing bonds therefor,—Yes," or, "Purchasing the bridge and issuing bonds therefor,—No."

Vote to be by ballot.

SEC. 3. If a majority of the electors of said township at any annual township meeting shall vote in favor of purchasing said bridge, and raising the money by tax, or issuing the bonds of said township to pay therefor, it shall be the duty of the township board of said township of James to purchase said bridge of said company, for and in behalf of said township, if the same can be done for a sum not exceeding three hundred dollars; and upon such purchase being made, said township shall succeed to all the rights, powers, and franchises of said company in respect to said bridge, and shall have the right to collect of persons crossing said bridge the same rate of toll heretofore fixed and authorized by the board of supervisors of Saginaw county, to be collected by said company.

Duty of township board in case vote is in favor of purchasing bridge.

Rights, franchises, etc., vest in township.

SEC. 4. The persons owning or holding stock in said bridge company are hereby authorized to convey the same to said township, and a conveyance to said township, in writing, duly made by all the persons owning or holding stock in said company, of their interest in such stock, and in the property and rights of said company, shall be valid and effectual to vest in said township all the rights and property of said company and said stockholders in said bridge.

Stockholders authorized to convey stock to township.

SEC. 5. Upon said bridge being purchased by said township, the commissioners of highways of the township shall have charge thereof, and may employ some suitable person to attend the swing in said bridge, and to collect toll thereon; but the person so employed shall not be paid for his services a sum greater than the amount of toll received from persons crossing the bridge; and the person so employed may be required to give a bond to said township, in such sum, and with such sureties as the commissioners of highways may direct and approve, for the faithful performance of

Highway commissioners to have charge of bridge and employ person to attend the same.

Bond of person employed.

his duties, and the paying over of all moneys that may come to his hands by virtue of such employment.

Duty of township clerk.

SEC. 6. The township clerk of said township shall file with the county clerk of Saginaw county a certified copy of all resolutions and proceedings passed or had relating to said bridge, at any annual township meeting, within ten days after the annual township meeting; and he shall keep a correct record of all acts and proceedings of the commissioners of highways relating to said bridge.

Voters may declare bridge free.

SEC. 7. The qualified voters of said township, at any time after one year after said bridge has been purchased, at any annual township meeting, may, by a majority vote, taken by ballot, declare said bridge a free bridge.

SEC. 8. This act shall take immediate effect.

Approved February 25, 1875.

[No. 249.]

AN ACT to amend an act entitled "An act to incorporate the village of St. Johns," and to add two new sections thereto.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* section four, in Article V., sections four and seven in Article VI., and section six in Article XVI. of "An act to incorporate the village of St. Johns," approved March second, eighteen hundred and sixty-seven, be and the same are hereby amended to read as follows:

Duties of president.

(SEC. 4, ART. V.) The president shall see that all the by-laws, rules, regulations, and ordinances of said village are faithfully enforced, and shall prosecute, in the name of the people of the State of Michigan, all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or any of the by-laws, rules, regulations, or ordinances passed by virtue thereof.

Board of trustees may provide for construction of sewers, sidewalks, etc.

(SEC. 4, ART. VI.) The board of trustees shall, upon petition in writing of a majority in number and in ownership of frontage of the property along the line of the work proposed, as hereinafter designated, praying for the same, and may at their option, on petition in writing of a majority in number or in ownership of frontage along the line of the work proposed as hereinafter designated, direct, order, and superintend, or procure the same to be done, by contract or otherwise, the construction of sewers along the line of, or grade, gravel, or pave the whole, any portion, or the gutters of any street, highway, alley, or lane in said village, and assess the cost and expenses thereof upon the lots lying on either side of and adjoining the said work in the proportion that the frontage of each lot or piece of land shall bear to the whole frontage of all the lots and lands upon which the cost of said work is to be assessed. They shall also have full power and authority to cause sidewalks and crosswalks to be constructed and repaired in said village, and to assess the cost and expenses of constructing and repairing sidewalks upon the lots and land in front of which said walks are constructed or repaired.

Cost and expenses to be assessed on property fronting on improvement.

(SEC. 7, ART. VI.) And said board of trustees, for the purpose of executing the powers enumerated, or any of them, and for the purpose of executing any of the powers conferred upon said board by this act, may make and establish ordinances, by-laws, rules, and regulations, and may amend and repeal the same, and may prescribe such punishment by fine or imprisonment in the Clinton county jail, or both, for the violation of any such ordinance, by-law, rule, or regulation, as they may deem proper, which punishment shall not exceed a fine of eighty dollars, and the cost of prosecution not exceeding twenty dollars, or imprisonment not exceeding sixty days, or both such fine, including the cost of prosecution, and imprisonment, for any one such violation; and any person or persons guilty of any such violation may be prosecuted for such violation before any justice of the peace of the township of Bingham in the county of Clinton; and to effect such prosecution, warrant may be issued in the name of the people of the State of Michigan, by any such justice of the peace, directed to the marshal of said village, or any constable of Clinton county, commanding that such person or persons be apprehended for such violation, and forthwith brought before such justice of the peace to answer for such violation, but no such warrant shall issue except upon complaint made on oath and filed with such justice of the peace, charging such person or persons with violation of some ordinance, by-law, rule, or regulation of said village, and when any person or persons shall be brought before any justice of the peace on such warrant, all the proceedings shall, as near as may be, follow the general statutes of the State of Michigan provided for the trial of offenses before justices of the peace, and all fines imposed and collected for such violations, above the costs of prosecution, shall be paid over to the treasurer of Clinton county, by the justice of the peace to whom the fines are paid; and all persons sentenced to imprisonment in the jail of Clinton county for such violation shall be kept in said jail by the sheriff of said county, and the fees of any marshal, constable, justice of the peace, juror, or witness, engaged in any such prosecution, shall be a legal charge against said county, the same as in any other criminal cases before justices of the peace. But all by-laws, rules, regulations, and ordinances shall be published at least for two successive weeks before the same shall be considered as of force, or binding upon the inhabitants of said village.

May establish rules and regulations, and provide punishment for violation.

Warrant may be issued in name of people.

Offenders to be in custody of sheriff of county.

Publication of rules, by-laws, etc.

Duty of treasurer.

Sale of lands for taxes.

Proviso—land may be bid off in name of village.

(SEC. 6, ART. XVI.) The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal as provided for in section five, Article XVI. of this act, and if the same shall remain unpaid, together with interest at the rate of twenty per cent per annum from the date of the warrant to the marshal for the collection of said tax, for the term of one year from the date of the warrant to the marshal, he shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and costs of sale thereof: *Provided*, If there is any description of land which cannot be sold at said sale for the amounts charged against it as aforesaid, said

treasurer shall bid off the same for the village of St. Johns, and if such description bid off to said village is not redeemed in one year from such sale as provided in the tenth section of Article XVI. of this act, such description shall belong to said village, and the treasurer of said village may assign the interest of said village to any purchaser who shall pay therefor the amount for which the description was bid off for said village, with interest thereon at the rate of twenty per cent per annum, to the time of said assignment, and such treasurer shall thereupon give said purchaser a certificate of such assignment, upon the surrender of which the treasurer of said village shall give said purchaser or his assignee a deed of such description, which deed shall convey said description to the grantee named therein, with all the force and effect provided for deeds given under sections [section] ten of Article XVI. of this act.

Sections added.

SEC. 2. The following sections shall be and are hereby added to said act to stand as and be sections eight and nine of Article VI. thereof.

Board of trustees may provide for setting shade trees.

(SEC. 8, ART. VI.) The board of trustees may, on petition in writing of a majority in number of the owners of property along the line of any graded street in said village, order, contract for, or otherwise procure the setting of shade trees along the said streets, according to a plan adopted by the said board of trustees, applying as much as is required of the general road fund of said village as is obtained by the taxation of the lots fronting on said street in payment of the same, and should the whole of said portion of the general road fund be insufficient for the payment of the same, assess the balance against said lots fronting on said streets, in the same manner as is provided for other special assessments of said village.

May make regulation for protection of shade trees.

(SEC. 9, ART. VI.) The board of trustees may make all needful rules and regulations for the protection of any shade trees in said village, and may order them properly staked, enclosed, or otherwise protected, and in case of the refusal or neglect of the proper parties to so stake, enclose, or protect them, the board of trustees may procure the same to be done, charging the expenses in such cases against the lots in front of which said work is done, and assessing the same against said lots as is provided for other special assessments of said village.

SEC. 3. This act shall take immediate effect.

Approved February 25, 1875.

[No. 250.]

AN ACT to legalize the assessment and tax roll of the first ward of the city of Coldwater, in the county of Branch, for the year eighteen hundred and seventy-four.

Tax roll legalized

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the year eighteen hundred and seventy-four, for the first ward of the city of Coldwater, in the county of Branch, be and the same is hereby declared as valid and legal as though the

supervisor had not changed or corrected said roll after the review days in May, eighteen hundred and seventy-four. And the marshal of the city of Coldwater in said county of Branch is hereby authorized and empowered to collect all of the taxes in said roll and make return thereof, and all the proceedings for the collection and payment of taxes, under and by virtue thereof, be and the same is hereby declared to be as legal and valid as though the supervisor of said first ward had not made such correction.

Marshal authorized to collect.

Proceedings for collection, etc., legalized.

SEC. 2. This act shall take immediate effect.

Approved February 26, 1875.

[No. 251.]

AN ACT to extend the time for the collection of taxes in the county of Wayne for the year eighteen hundred and seventy-four.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of the taxes of the county of Wayne for the year eighteen hundred and seventy-four be and the same is hereby extended until the first Monday in May, eighteen hundred seventy-five.

Time for collection of taxes extended.

SEC. 2. The treasurers of the several townships and cities and the collectors of the several wards of said county are hereby authorized and empowered to proceed and collect said taxes as fully as they could do in the lifetime of their several warrants, and to make return to the county treasurer at any time before the first Monday in May, eighteen hundred and seventy-five; and said warrants are hereby continued in full force and virtue until that time.

Collection and return of same.

Warrants continued.

SEC. 3. It shall be the duty of the treasurers and collectors of the several townships, cities, or wards of said county, before they shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of their several warrants, as is now provided by law, and to renew their official bonds each to the satisfaction of the county treasurer.

Renewal of bonds.

SEC. 4. A transcript of all unpaid taxes returnable to the county treasurer, in pursuance of the foregoing provisions, shall by him be returnable to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and seventy-four duly returned to the Auditor General for non-payment.

Return of unpaid taxes.

Collection of same.

SEC. 5. This act shall take immediate effect.

Approved February 26, 1875.

[No. 252.]

AN ACT to extend the time for the collection of taxes in the township of Howell, in the county of Livingston.

Time for collection extended. SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Howell, county of Livingston, for the year eighteen hundred and seventy-four, be and the same is hereby extended until the thirty-first day of March, one thousand eight hundred and seventy-five.

Treasurer's warrant continued. SEC. 2. The treasurer of such township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make return at any time before the thirty-first day of March next, and said warrant is hereby revised [revived] and continued in full force and virtue, for the purpose aforesaid, until the thirty-first day of March next.

Treasurer to renew bond, etc. SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county.

Return of unpaid taxes. SEC. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy-four, duly returned to the Auditor General for non-payment.

SEC. 5. This act shall take immediate effect.

Approved February 26, 1875.

[No. 253.]

AN ACT to extend the time for the collection of taxes in the township of Cheshire, in the county of Allegan, for the year eighteen hundred and seventy-four,

Time for collection of taxes extended. SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of the taxes in the township of Cheshire, in the county of Allegan, for the year eighteen hundred and seventy-four, be and the same is hereby extended until the first day of April next.

Treasurer authorized to collect. SEC. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of said warrant, and to make return to the county treasurer at any time before the first day of April next, and said warrant is hereby continued in full force and virtue until that time.

Return of money collected and renewal of bond. SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now pro-

vided by law, and to renew his official bond to the satisfaction of the county treasurer:

SEC. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall by him be returnable to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and seventy-four duly returned to the Auditor General for non-payment.

Transcript of unpaid taxes to be returned to Auditor General.

SEC. 5. This act shall take immediate effect.

Approved February 26, 1875.

[No. 254.]

AN ACT to amend the charter of the city of Saint Clair relating to the appointment of city marshal.

SECTION 1. *The People of the State of Michigan enact*, That section six of the session laws of eighteen hundred and seventy-one, relating to the revised charter of the city of St. Clair, be so amended as to read as follows:

Section amended

SEC. 6. The following officers shall be appointed by the common council at a meeting to be held on the first Monday in May in each and every year, viz.: City attorney, commissioner of the city cemetery, city marshal, and such other officers, assistants, and agents as may be authorized by prior resolution of [the] common council: *Provided, however*, That any person holding the office of sheriff, under sheriff, deputy sheriff, or jailor, shall not be eligible to the said office of city marshal in said city.

Officers appointed by common council.

Proviso.

SEC. 2. This act shall take immediate effect.

Received at the Executive office February 26, 1875.*

[No. 255.]

An ACT to organize the township of Cove, in the county of Keweenaw.

SECTION 1. *The People of the State of Michigan enact*, That all the townships and fractional townships on Isle Royale and adjacent islands lying east of range thirty-six west, in the county of Keweenaw be, and the same are hereby organized into a separate township, known as the township of Cove.

Township of Cove organized.

SEC. 2. The first annual meeting in said township of Cove shall be held on the twenty-second day of June, eighteen hundred and seventy-five, on section twenty-six, township sixty-six north, of range thirty-six west, in said township, and Franklin W. Hess, Jefferson Daniels, A. O. Kruger, are hereby made and constituted a board of inspectors of said township election.

First election.

Inspectors.

SEC. 3. If for any reason the township election provided for in

* Became a law under Section 14 of Article IV. of the Constitution, without the approval of the Governor.

Of failure to hold election at specified time.

the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least ten days' notice of the time and place of holding such election, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors or a majority of them.

Of failure of inspectors to attend.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election, in place of such inspector or inspectors, who shall so neglect to attend such board.

SEC. 5. This act shall take immediate effect.

Approved March 3, 1875.

[No. 256.]

AN ACT to detach certain territory from the present township of Otsego Lake, in the unorganized county of Otsego, and organize the same into a separate township, to be known as the township of Elmira.

Township of Elmira organized

SECTION 1. *The People of the State of Michigan enact, That* township number thirty-one north, of range number four west, now forming a part of the township of Otsego Lake, in the unorganized county of Otsego, be and the same is hereby set off from the residue of said last named township, and organized into a separate township to be known as the township of Elmira.

First election.

SEC. 2. The first annual meeting in said township of Elmira shall be held on the first Monday of April next, at the house of Charles F. Davis, on section fourteen in said township; and John N. Wilson, Charles F. Davis, and William Carmichael are hereby made and constituted a board of inspectors of said township election.

Of failure to hold election at time specified.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors, or a majority of them.

Failure of inspectors to be present.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said board.

SEC. 5. This act shall take immediate effect.

Approved March 3, 1875.

[No. 257.]

AN ACT to amend an act entitled "An act to incorporate the city of Marquette," being act two hundred and two of the session laws of eighteen hundred and seventy-one, approved February twenty-seventh, eighteen hundred and seventy-one, as amended by an act entitled "An act to amend an act entitled 'An act to incorporate the city of Marquette,'" being act number two hundred and two of the session laws of eighteen hundred and seventy-one, approved February twenty-seventh, eighteen hundred and seventy-one, approved April twelfth, in the year of our Lord, one thousand eight hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
 section three of chapter one, and sections one, two, five, and six of chapter two, and section eleven of chapter six, and section eight of chapter eight, and sections two and three of chapter nine, of an act entitled "An act to incorporate the city of Marquette," approved February twenty-seventh, eighteen hundred and seventy-one, be amended so as to read as follows :

CHAPTER I.

SEC. 3. The said city shall be divided into four wards, as follows : Wards.
 The first ward shall embrace all that portion of said city lying south of a line drawn from the shore of Lake Superior westwardly, along the center of Fisher street to the western boundary of said city ; the second ward shall embrace all that portion of said city lying between said last mentioned line and a line drawn from said lake shore westwardly along the line of the Marquette, Houghton, and Ontonagon railroad, from said railroad company's merchandise pier to said western boundary ; the third ward shall embrace all that portion of said city lying north of the line of the Marquette, Houghton, and Ontonagon railroad from its merchandise pier westward, and east of the center of Front street from said railroad track to the northern boundary of the city ; and the fourth ward shall embrace all the remaining portion of said city lying north of said railroad track and west of Front street.

CHAPTER II.

SEC. 2. The following officers of the corporation shall be elected Officers elected.
 by the qualified electors of the whole city voting in their respective wards, viz.: One mayor, one recorder, one treasurer, and three justices of the peace ; also two constables. There shall also be elected on a ward ticket, by the qualified electors of each ward, two aldermen and one supervisor.

SEC. 2. The following officers shall be appointed by the common Officers appointed.
 council, on or before the first Monday of May in each year, viz.: One marshal, one director of the poor, who shall possess all the powers of a director of the poor of townships under the laws of this State, one street commissioner, one pound master, one city attorney, and one or more fire wardens for the city, and two assessors, who shall not be residents of the same ward, and wherever, by the pro-

visions of the act incorporating said city, or in any amendment thereto, the term assessor shall be employed, it shall be construed to mean assessors; and where any act is directed to be performed by the assessor of said city, such duty shall devolve upon both of said assessors, and be performed by them jointly; and the common council shall have power to remove, for cause shown, any of said officers so appointed by them, and appoint others in their stead.

Officers to be
chosen at first
election and their
terms of office.

SEC. 5. At the annual election, to be held in said city on the first Monday in April, in the year of our Lord one thousand eight hundred and seventy-five, there shall be elected by the electors of the whole city, voting in their respective wards, one mayor, one recorder, one treasurer, two constables, and such number of justices of the peace as shall, together with the recorder, be necessary to fill the vacancies then existing or to arise within the ensuing year by the expiration of the term for which the incumbents were elected; also two school inspectors, one of whom shall be elected for one year, and one for two years, and until their successors are elected and qualified. The recorder and justices of the peace shall hold their respective offices for the period of four years, and until their successors are elected and qualified. There shall also, at the said election, be elected two aldermen in each ward, by the electors thereof, one of whom shall hold his office for the term of one year and until his successor is elected and qualified, and the other for the term of two years and until his successor is elected and qualified, and the term for which the person voted for is intended shall be designated on the ballot. There shall also be elected at such election, by the electors of each ward, one supervisor, who shall hold his office for the term of one year and until his successor is elected and qualified.

Officers to be
elected at subse-
quent elections.

SEC. 6. At the annual election to be held under this act, on the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-six, and at each annual election thereafter, there shall be elected in each ward, by the electors thereof, one alderman and one supervisor; and there shall also be elected, by the electors of the whole city voting in their respective wards, one mayor, one treasurer, and two constables, one school inspector, and so many justices of the peace as may be necessary to fill the vacancies then existing or to arise during the year by the expiration of the term of office of any incumbent. At the annual election held on the first Monday in April, in the year of our Lord one thousand eight hundred and seventy-nine, and every four years thereafter, there shall be elected one recorder.

CHAPTER VI.

Supervisors of
wards.

SEC. 11. The supervisor of each ward shall have and exercise within his respective ward all the powers, authority, and functions of supervisors of towns as now provided, or as may hereafter be provided by law, except as assessor, and except as herein otherwise provided, and they shall be members of the board of supervisors of the county of Marquette, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and

they shall perform as supervisors such other duties as by this act shall be required of them: *Provided*, That in case of sickness, absence, disability, or resignation of any supervisor, the common council shall have power to appoint a supervisor *pro tem.* for the ward for which said supervisor was elected.

CHAPTER VIII.

SEC. 8. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which taxes shall be and remain a lien on the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax more than ----- one per cent on the valuation thereof for city purposes, exclusive of State, county, school, and highway taxes. They may levy a highway tax, not exceeding one-half of one per cent on the valuation of taxable property in said city, to be assessed and collected in money as other city taxes, but placed upon the assessment rolls of the several wards in the column of highway taxes. They may also levy and raise by tax, in addition thereto, such sum as may be required to pay any indebtedness of the city, maturing or to fall due within the year, arising from loans previously made by the city, or interest thereon.

Authority of council to levy and collect taxes.

CHAPTER IX.

SEC. 2. The supervisors of said city, as hereinbefore provided for, shall receive such compensation for their services while actually employed in their duties as supervisors, excepting when employed as members of the board of supervisors, the same sum as supervisors performing like duties in townships are or may be hereafter allowed by law, which compensation shall be audited and paid by the common council of said city.

Compensation of supervisors.

SEC. 3. The accounts of supervisors, and also all other persons, against the city, shall, whenever required by the common council, be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of said common council.

Accounts.

SEC. 2. This act shall take immediate effect.

Approved March 10, 1875.

[No. 258.]

AN ACT to annex township forty-one (41) north, of range thirty-three west, to the township of Menominee, and county of Menominee.

SECTION 1. *The People of the State of Michigan enact* That fractional township forty-one north, of range thirty-three west, be and the same is hereby annexed to the township [of] Menominee, and the county of Menominee, and shall form a part of said township of Menominee and said county of Menominee.

Territory annexed to township of Menominee.

SEC. 2. This act shall take immediate effect.

Approved March 10, 1875.

[No. 259.]

AN ACT to amend an act entitled "An act supplementary to an act entitled 'An act to revise the charter of the city of Detroit,' " approved February five, eighteen hundred and fifty-seven, and to abolish citizens' meetings in said city, and to create a board of estimates for said city, approved March twenty-eight, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That an act supplementary to an act entitled "An act to revise the charter of the city of Detroit," approved February five, eighteen hundred and fifty-seven, and to abolish citizens' meetings and to create a board of estimates for said city, approved March twenty-eight, eighteen hundred and seventy-three, be and is hereby amended so as to read as follows:

Citizens' meetings abolished.

Board of estimates and how constituted.

Election of.

Proviso—canvassing votes at first election.

Further proviso—election for different terms at first election.

Further proviso—notice of election.

One member elected annually in each ward.

SECTION 1. *The People of the State of Michigan enact*, That all citizens' meetings (so called) for the purpose of voting taxes, or upon any other matter authorized or required by the charter of the city of Detroit, or any other law relating to said city, to be submitted to such meeting, are hereby abolished. In lieu of such citizens' meetings a board of estimates is hereby created, which shall be constituted as follows: two members from each ward, who shall be elected at the same time and for the same term as aldermen, and five members who shall be elected upon a general ticket at the same time as the mayor, and who shall hold their office for the term of two years. The several provisions of law relating to elections in said city as to election of city officers and aldermen canvassing the votes and making returns thereof shall, so far as applicable, apply to and regulate the holding of elections of members of said board: *Provided*, That at the first election held under this act, as hereinafter provided, the board of city canvassers shall meet on the Saturday next after the election, at three o'clock in the afternoon, in the common council chamber, and proceed to open and canvass the returns and declare the result of the election: *And provided further*, That the first election of members of said board shall be held on the seventh day of April, in the year eighteen hundred and seventy-three, and two members from each ward shall be then elected, one of whom shall hold his office until the next general election in said city in the year eighteen hundred and seventy-three, and the other member so elected shall hold his office until one year from the next general election in said city, and the ballots cast shall designate the respective terms of office of the persons then voted for; and there shall also be elected on said seventh day of April, eighteen hundred and seventy-three, five members of said board upon a general ticket, who shall hold their office until the next general charter election in said city: *And provided further*, That five days' notice of such first election, to be given by the city clerk in two or more newspapers published in said city, shall be deemed sufficient. At the next general charter election to be held in said city in the several wards, and annually thereafter, a member of the board shall be elected from each ward who shall hold his office for two years; and at

such next charter election and each alternate year thereafter five members of said board shall be elected upon a general ticket, who shall hold their office for two years.

Five members elected every other year upon general ticket.

SEC. 2. All members of said board shall be freeholders of said city, and shall hold their office until their successors shall be elected and qualified. The following officers of said city shall be *ex officio* members of said board, and shall have the right to participate in its deliberations, but shall not have the right to vote, to-wit: the president and chairman of the committee on ways and means of the common council, the city controller, city counsellor, the presidents of the board of education, board of water commissioners, board of police commissioners, president of the fire commission, the senior members, being those whose terms will soonest expire, of the board of inspectors of the house of correction and of the board of public works. All members of said board shall, before entering upon the discharge of their duties, take and subscribe and file in the office of the city clerk the same oath of office as is prescribed in the charter of said city to be taken by city officers. No member of said board shall receive any compensation for his services. Said board shall elect one of their number president of said board, who shall preside at its meetings, and who shall hold his office until the next election of new members: *Provided*, That if he be absent or incapacitated from performing his duties the board may appoint a president *pro tempore*. The city clerk shall be *ex officio* secretary of said board and shall keep a record of its proceedings. Should the city clerk be absent or incapacitated from performing his duties, the board may appoint a secretary *pro tempore*. A meeting of said board shall be held annually on the first Monday in March, at ten o'clock in the forenoon, and at such other times as the common council may by resolution or ordinance provide. The meetings of said board shall be held in a suitable room to be provided by the common council, and if no provision be made, then the same shall be held in the common council chamber. The board may adjourn from time to time: *Provided*, That the meetings which shall be held annually to consider the estimates for the annual general taxes for city purposes shall not be adjourned to a time subsequent to the fifteenth day of April. The board shall have the right to call upon the common council or upon any officers or boards of the corporation for further reports or for any information which it may require for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. It shall also have the right to inspect the official books and papers of said officers or boards. All official acts of said board of estimates performed or done on or subsequent to the first day of March, eighteen hundred and seventy-five, and before the passage of this act, are hereby declared to be as legal and valid as the same would have been if done under the provisions of this amendatory act.

Ex officio members of board.

Oath of office of members of board.

President of board.

Proviso—appointment of president *pro tempore*.

Secretary.

Secretary *pro tempore*.

Time of holding meetings of board.

Place of holding same.

Proviso—limit of adjournment of annual meetings.

SEC. 3. Before any moneys shall be raised or taxes levied and collected for the purposes of the several funds mentioned in the charter of the city of Detroit and acts amendatory thereof, except-

Powers and duties of board of estimates.

ing interest and sinking funds, or for the purposes for which moneys are required to be raised by other acts relating to said city which require estimates for taxes to be submitted to a citizens' meeting, the estimates of the amount of moneys required for such funds or purposes by tax shall be submitted to said board of estimates; and before any bonds shall be issued, issue of which is now required to be submitted to a citizens' meeting by said charter or any other of said acts, said issue shall be authorized by said board of estimates. The estimates for the general city taxes, which are now required to be submitted to a citizens' meeting, shall be acted upon by the common council as provided by law, and shall be submitted to said board of estimates in time to be considered by the board on or prior to said fifteenth day of April. Said board shall carefully consider all estimates hereby required by this act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised but shall not increase the same. It may authorize the issuing of bonds in the same manner and in the same cases as such citizens' meetings might authorize the same. A majority of all the members elect of said board shall be required to approve of any such estimates for the raising of taxes or any part thereof, or to authorize the issue of any bonds.

**May decrease the amount of tax to be raised.
Authorize the issue of bonds.**

Record of votes by yeas and nays.

Statement of amount approved.

Only such sums so approved shall be raised.

SEC. 4. All votes in said board approving or disapproving of any estimate, or decreasing the amount thereof, or authorizing or disapproving of the issue of bonds, shall be taken by yeas and nays and entered upon the record of its proceedings. After said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts so approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which raised, to be made, which statement, being adopted by a majority of all the members elect of the board, shall be then certified by the president and secretary of the board and shall be transmitted to the common council, and only so much of such estimates or amount to be raised by taxation as shall have been approved by said board shall be raised and collected in said city, and only such bonds shall be issued, in cases requiring the issue of bonds to be submitted to a citizens' meeting, as shall be authorized by said board, as herein provided. The common council of said city, upon approval of said estimates or any part thereof by said board, shall cause to be levied and collected by tax the amount thereof so approved, and shall issue any bonds so authorized to be issued by said board as aforesaid.

SEC. 2. This act shall take immediate effect.
Approved March 10, 1875.

[No. 260.]

AN ACT to provide for the collection of special taxes levied and assessed in the city of Big Rapids.

SECTION 1. *The People of the State of Michigan enact*, That the city treasurer of the city of Big Rapids be and is hereby authorized to collect in the same manner provided by law for the collection of taxes for general purposes, in the several wards of said city, all special taxes now upon the tax rolls of the several wards of said city. City treasurer authorized to collect special taxes.

SEC. 2. In case any of the special taxes mentioned in section one (1) of this act shall not be collected by the treasurer of said city, then such special taxes shall be returned by said treasurer in the same manner provided by the laws of this State for the return of taxes assessed for general purposes, and after such return said special taxes shall be collected in the same manner provided for the collection of said taxes for general purposes. Return of unpaid taxes.

SEC. 3. This act shall take immediate effect.

Approved March 12, 1875.

[No. 261.]

AN ACT to re-incorporate the village of Augusta, in the county of Kalamazoo and State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the south half of section thirty-four, lying north of the Kalamazoo river, and the south half of the north half of section thirty-four, and the east half of the southeast quarter of section thirty-three, and the southeast quarter of the northeast quarter of section thirty-three in the township of Ross; also the northwest fraction of section three, north of the Kalamazoo river, and that part of the east fractional half of the northeast quarter of section four, lying north of the Michigan Central railroad, in the township of Charleston, in the county of Kalamazoo, is hereby constituted a body corporate, under the name and title of the Village of Augusta. Boundaries.
Corporate name.

SEC. 2. The inhabitants of said village having the qualifications of electors under the constitution of the State of Michigan shall meet at such place in said village as the present clerk of the present village of Augusta shall designate, on the first Monday of March next, and on the first Monday of March annually thereafter, at such place within the limits of said incorporation as the recorder shall designate, and then and there proceed, by plurality of votes, to elect by ballot from among the qualified electors residing in said village, one president, six trustees, one recorder, and one treasurer, who shall, except the trustees and recorder, hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation, for that, shall not be deemed to be dissolved, but it shall and may be lawful to hold such election First election, when and where held.
Officers.
Proviso.

Term of office of trustees. at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described; also, that the trustees elected at the first election under this act shall hold their offices, three of them for one year, and three of them for two years, to be determined by lot, at the first meeting of the common council held subsequent to said election. At each election after the first but three trustees shall be elected annually, who shall hold their offices for two years and until their successors are elected and qualified.

Judges of elections. SEC. 3. At the first election to be holden under this act, two or more of the present trustees and the clerk of said village shall be the judges of the election, and shall canvass the votes and certify the result of the election to the president and trustees of the present corporation of said village, and who shall canvass the said certificates, and declare the result of said election, in the same manner that the common council are required to do by this act; and at all subsequent elections holden under this act, two or more of the trustees and the recorder of said village shall be the judges of said elections;

Opening and closing of polls. and further, the poll of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in the poll list to be kept at such election by the officers holding the same, and the said officers shall proceed publicly to count the ballots, unopened, and if the number of ballots

Ballots to be counted publicly. so counted shall exceed the number of electors contained in the poll list, the officers holding such election shall draw out and destroy, unopened, so many ballots as shall amount to the excess, and if two or more ballots shall be found rolled or folded up together,

Canvass of votes. they shall not be estimated; and the officers holding such election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same, or following day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before twelve o'clock noon of the next day after completion of the said canvass, and the estimation of the votes of said election, at which last mentioned period the said president and trustees of the present corporation, after the first election,

Time of filing certificate. and the common council of said corporation, after all subsequent elections, shall proceed to canvass said returns, and shall declare the result of said election, and cause a true record thereof to be made; and in case it shall at any time happen that two or more persons shall receive, for the same office, the same number of votes, the president, in presence of the common council, shall then determine the election between the persons who have received an equal number of votes, by casting lots upon their names.

Canvass of returns by common council.

Tie.

Notice of elections. SEC. 4. It shall be the duty of the clerk of said village, for the first election under this act, and the recorder for all subsequent elections, to give ten days' public notice in writing, posting said notices in three public places in said village, of the time and place of holding all elections, or by publishing the same at least one week pre-

vions to such election, in a newspaper published in said village; and any person offering to vote at any such election shall, if required by any person who is qualified to vote thereat, take the oath required by law in like case at other elections in this State.

SEC. 5. It shall be the duty of the clerk after the first, and the recorder after all other elections, as soon as practicable, and within five days after the closing of the polls of any election, to notify the several officers elect of their election; and the officers so elected and notified as aforesaid shall, within ten days after receiving such notice, take the constitutional oath or affirmation before any justice of the peace of the county of Kalamazoo, or other officer authorized by law to administer oaths in said county, to support the constitution of the United States and of this State, and faithfully and impartially to discharge and execute the duties of their respective offices; a certificate of which, from the officer administering the same, shall be filed by such officer elect within the said ten days, with the said clerk or recorder, as the case may be.

Notice to persons elected.

Oath of office.

SEC. 6. The president, trustees, and recorder of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Augusta, and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and defending and being defended in all courts of record, and any other court or place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate for the use of said corporation; but when any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of such corporation, or at his usual place of abode therein, whose duty it shall be forthwith to inform the president and trustees: *Provided*, The first process shall be by summons, and a copy thereof be left with the recorder, as aforesaid, at least six days before the return day thereof.

Body corporate and politic.

Process, how served.

Proviso.

SEC. 7. A majority of said officers constituting the common council as aforesaid shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as the president, or in his absence the recorder, may appoint; and it shall be the duty of the president to preside at all meetings of the common council, and it shall also be the duty of the recorder to attend all such meetings and keep a fair and accurate record of their proceedings, but in the absence of either of such president and recorder, the quorum present shall supply their places *pro tempore* from other members of said council present; and the common council shall have power to impose, levy, and collect such fines as they may deem proper for

Quorum.

President and clerk of council.

Fines for non-attendance.

	the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, or any officer elected under this act, other than the members of the common council, and to impose fines for non-attendance: <i>Provided</i> , No such fine shall exceed five dollars for one offense.
Proviso.	
Elections to fill vacancies.	SEC. 8. In case of the death or resignation or removal of two or more members of the common council, such death, removal, or resignation shall be announced by the president or recorder to the members of the said council, who shall cause, as soon thereafter as may be, the publication of notice of an election to fill such vacancies, and fix the time and place for holding such elections; and the same notice shall be given of such election, and the same shall be conducted in the same manner as is provided for annual elections, which election shall be ordered to be held at any time within thirty days, and not less than five days after such vacancy shall have occurred; and in case of the like vacancy in the office of marshal, treasurer, assessor, or any officer appointative by said council, the vacancy so occasioned shall be filled by appointment for the remainder of the term, by said council, and all officers so elected or appointed shall be notified and qualified as hereinbefore prescribed, and perform the duties of their respective offices, and the common council shall have power to remove at pleasure the incumbent of any office which is filled by appointment only.
Notice of and time of holding.	
Vacancies in case of appointed officers.	
Power to remove.	SEC. 9. The marshal and treasurer shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the duties devolving upon, and the trust reposed in them, as the common council shall direct and require.
Securities of officers.	
Power of common council to establish by-laws, etc.	SEC. 10. The common council shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure, for the purposes following: For defining the powers, duties, and compensation of the recorder, treasurer, marshal, assessors, and such other officers or servants as may be appointed by the common council; relating to the time and manner of working the streets, lanes, and alleys of said village; relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of persons occasioning the same; to suppress all games of chance or hazard; to license showmen; to suppress billiard tables, and all other gaming tables, kept for hire, gain, or reward, in said village; relative to the time and manner of assessing, levying, and collecting poll tax, and all other taxes in said village; for the suppression of riots and gambling, and for the punishment thereof; for the apprehension and punishment of all vagrants, drunkards, and idle persons; to suppress the vending or giving away of spirituous or intoxicating liquors, contrary to law; to prevent and punish immoderate driving in the streets of said village; to prevent the encumbering of the streets, sidewalks, alleys, or public grounds, or squares; and to regulate and improve all grave-yards, cemeteries, and public grounds within or belonging to said village; to regulate the manner of measuring fire wood, and
For defining the powers, duties, etc., of officers.	
Relative to working streets, lanes, etc.	
Relative to nuisances.	
Games of chance, license of showmen, billiard tables, etc.	
Levying and collecting taxes.	
Riots, gambling, etc.	
Selling or giving away of intoxicating liquors.	
Fast driving.	
Encumbering of streets, sidewalks, etc.	
Cemeteries and public grounds.	

the weighing [of] hay, and to prescribe the stand for carters and carts, and for wood, hay, and produce for sale in said village; relative to sewers and reservoirs; relative to the keeping and sale of gunpowder in said village; to compel the owners of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council for the protection of the village, the inhabitants thereof, and their property, against fire and injuries by fire, and relative to persons violating public peace; relative to shooting guns and arms within the limits of said village; relative to calling of meetings of the electors of said village; to prohibit and restrain the running at large in said village of horses, cattle, mules, swine, sheep, geese, and all other animals and fowls; to regulate and establish a pound for said village; for grading streets, alleys, and ditches, and paving them, and causing sidewalks and crosswalks to be made, and the common council may cause the expenses of such making of said side and crosswalks to be assessed on lots or premises adjoining such improvements, or by general assessment or otherwise as they may direct; to prescribe the manner in which stoves, with their pipes, should be put up, and chimneys built, to guard against fires; to prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of the common council; also such by-laws and ordinances as may be deemed by the common council, expedient or necessary for preventing and suppressing all disorderly and bad houses; and said council shall have the power to make all the by-laws and ordinances as to the said council shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties, and forfeitures on all persons offending against the rules, by-laws, and ordinances made as aforesaid: *Provided always*, Such rules, by-laws, and ordinances shall not be repugnant to the constitution and laws of the United States, or of this State: *And provided also*, That no such rule, by-law, or ordinance of said corporation shall have any effect until the same shall have been published two weeks successively, in a newspaper published in said village of Augusta, or by written notices, posted in three of the most public places in said village, two weeks before the time for the same to take effect; and an affidavit of said publication or posting of the same, attached to the same, or entered at large upon the records of such corporation by the recorder, shall be deemed *prima facie* evidence of such publication or posting.

SEC. 11. Any justice of the peace of the township of Ross shall have cognizance of all matters arising under and by virtue of this act, and the by-laws and ordinances of the common council, and may issue all process necessary to enforce the same, with full power to try, hear, and determine all suits, actions, and proceedings instituted under and by virtue of this act. And all process shall be tested and made returnable, and the proceedings shall be conducted in like manner, as prescribed for justices of the peace by the laws of this State, and appeals may be taken from judgments rendered by said

Markets, etc.

Sewers and reservoirs.

Keeping and sale of gunpowder.

Fire buckets.

Relative to public peace.

Shooting guns, etc.

Calling of meetings.

Relative to horses, cattle, etc.

Pounds.

Grading of streets, alleys, etc., and making sidewalks and crosswalks.

Guarding against fires.

Relative to dogs.

Relative to disorderly houses.

Power to make by-laws.

Power to impose fines, penalties, etc. Proviso.

Proviso— notices.

Cognizance of justices of the peace of township.

Process tested, made returnable, etc.

justice of the peace in the same time and in the same manner as provided in other cases.

Assessment,
when made.

Notice of completion of assessment roll, how and when made.

Meeting of assessors.

Assessor may review and reduce valuation.

Proviso.

Poll tax.

Taxes on real and personal estate.

Proviso—limit.

Lien.

Estimate to be made of the respective sums to be paid as a tax.

Roll to be delivered to marshal for collection.

SEC. 12. The assessment of all personal property and real estate within the limits of said corporation shall be made between the first and twentieth days of May of each year; and whenever the assessors of said village shall have completed their assessment roll, it shall be their duty to give notice thereof by publishing in any newspaper published in said village, or cause such notice to be posted in three public places in said village, at least ten days before the time fixed by them to meet to hear objections to the assessment in said roll, and said notice shall state the time when and the place where said assessors will meet to hear the objections of any persons interested in the valuation so made by them; and the said assessors at such meeting, on the application of any such person considering himself or herself aggrieved, may review and reduce the valuation, and correct such assessment, on sufficient cause being shown upon oath, to the satisfaction of the said assessors: *Provided also*, All property, real and personal, within the limits of said village, except such as is exempted by general law, shall be liable to assessment and taxation under the provision of this act.

SEC. 13. The common council shall have power and authority to levy and collect a capitation tax or poll tax upon persons in said village liable thereto, according to law; also, taxes on all real and personal estate or property within the limits of said village which said common council shall deem necessary to defray the expenses of said corporation and improvements, and for working and keeping the streets in repair therein, done under direction of said council: *Provided*, That the taxes so assessed or levied, exclusive of taxes assessed for poll tax, shall not, in any one year, exceed one-half of one per cent upon the valuation of said real and personal property, and all taxes levied upon real estate, lands, tenements, and hereditaments, or premises whatsoever, by said common council in said village, and all assessments imposed by said common council named for opening a street or alley, or grading or paving a street, or for making or repairing a sidewalk or crosswalk, shall remain a lien on said lands, tenements, and hereditaments, from the time of making such assessments, or imposing such tax, until paid; and it shall be the duty of the said common council, immediately after the assessors have completed the assessment roll, to estimate, apportion, and set down in a column for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll for the year, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll or a copy thereof to be delivered to the marshal of said village, with a warrant annexed to the same, under the hand and seal of said common council, or a majority of the members of the same, directed to and requiring him to collect from the several persons named in said roll the several sums mentioned therein, set opposite their respective names, as the tax, taxes, or assessment,

and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day, to be therein named, not less than forty days from date of said warrant.

May levy by distress and sale.

SEC. 14. The common council shall have power to appoint a marshal, street commissioners, assessors, fire wardens, and all other officers necessary under the provisions of this act, for said village, whose election is not herein provided for, to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dismiss them at pleasure; the officers so appointed, before entering upon the duties of their office, shall take and subscribe to the oath of office hereinbefore provided for, before the recorder or any other officer authorized by law to administer oaths.

Power to appoint certain officers.

Necessary bonds may be required.

Power to dismiss.

Oath of office.

SEC. 15. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers and processes that may be lawfully delivered to him for service, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; and he shall see that all the by-laws and ordinances of the common council are properly and efficiently enforced; he shall obey all lawful orders of the president and common council, and may command aid and assistance of any and all persons in discharge of the duties imposed upon him by law; he shall also, under the direction of the common council, see to the making, grading, and paving, repairing and opening of all streets, lanes, alleys, and sidewalks within said village, unless the common council shall devolve the same upon one or more street commissioners, that they are authorized to appoint; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace or offending against any of the laws and ordinances of the village, and forthwith take such person before any justice of the peace of the township of Ross, to be dealt with as the by-laws and ordinances or this act shall provide, and apprehend and imprison any person found drunk in the street, until such person shall become sober; he shall pay over all moneys by him received by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct, and he shall perform all duties that may be required of him by the by-laws, ordinances, or resolutions passed by said common council.

Duties of marshal.

SEC. 16. The marshal, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the village, at least once, and demand the payment of the taxes charged to him on said roll; and in case of refusal or neglect to pay such taxes, the marshal shall levy the same by distress and sale of the goods and chattels of every such person, whenever found within the village, and may take any prop-

Marshal upon receipt of roll shall proceed to collect taxes.

erty that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; the said marshal shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said tax roll into the office of the recorder, and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of taxes remaining due and unpaid, with a full and perfect description of such pieces, from said roll, and shall attach thereto affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with, or liable to pay such tax. Whenever the marshal shall not be able to collect any village tax on personal property on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the marshal for such tax; and thereupon said warrant shall be and remain in full force for the purposes of said collection, as long as shall be directed by the common council, and the marshal shall charge interest on all such taxes, at ten per cent per annum, from the time of returning the tax roll until the day of collection.

When new warrant may be issued.

When treasurer by sale of property may collect taxes thereon.

Notice of sale.

Duties of treasurer.

SEC. 17. The taxes upon real estate, with the special assessments for the purposes mentioned in section thirteen of this act, and assessed in manner hereinbefore provided, on the assessment roll, which, according to the return of the marshal upon said roll, remains unpaid at the expiration of his warrant, and which, with the interest thereon, to be computed at fifteen per cent per annum until paid, shall remain unpaid for one year from the date of the marshal's warrant aforesaid, the treasurer of said village shall collect, by sale of the real estate charged with such taxes and assessment, or so much thereof, at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, assessments, and interest, together with all charges thereon, first giving at least two months' notice of the time and place of said sale, by advertisement, posted up in three public places in said village, or by causing the same to be published eight weeks successively in a newspaper printed in said village; and affidavit of said publication, or posting of said notice, recorded in the recorder's office of said village, shall be deemed *prima facie* evidence of the fact of publication, or posting of such notice.

SEC. 18. The treasurer of said village shall have the custody of all money and evidences of value belonging to the said village; he shall keep an accurate account of receipts of moneys and expenditures thereof; he shall pay no money out of the treasury, except in accordance with, and by authority of law, and upon orders signed by the recorder and countersigned by the president, which shall specify the purpose for which the amount is to be paid; he shall keep an account accurately, and be charged with moneys re-

ceived for each fund of the corporation, and shall pay every order out of the particular fund constituted or raised for the purposes for which such order was received, and having the name of such fund endorsed thereon by the recorder; he shall exhibit to the common council, annually, and as often as they may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement, showing a financial condition of the treasury, which account, report, and statement shall be filed in the office of the recorder.

SEC. 19. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close, vacate, and improve such highways, alleys, lanes, water-courses, squares, market-places, bridges, and public parks in said village as they may deem necessary for the public good and convenience, and if the property or lands of any person or persons shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises, or property required and the purposes for which the same are to be used, and that the common council will meet on some day to be named in said resolution, to take action in regard to the matter, and notice of such meeting shall be given to the owners or parties interested, or his, or her, or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one newspaper published in said village, or by posting up said resolution in three public places in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises for the same, and to pay therefor such reasonable sum as may be agreed upon. But if such person or persons shall refuse to negotiate for such lands or premises, or if for any other cause there shall not be any arrangement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or any constable of the county of Kalamazoo, commanding him to summon a jury of six disinterested freeholders of said county residing outside of said village, to appear before any justice of the peace of the township of Ross, in said county, at a time therein to be stated, to inquire into and determine the necessity for taking and using the lands, premises, or property described in said resolution, for the purposes therein mentioned, and also to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in, such grounds, premises, or property; which jury being duly sworn by said justice, faithfully and impartially to inquire into and determine the necessity for taking and using the lands, premises, or property described in said resolution for the purposes therein

Council may make public improvements and take private property therefor.

Notice to owners.

Council may negotiate for property.

Proceedings when owners refuse to negotiate, etc.

Summoning of jury.

Jury to inquire into the necessity for using such lands, etc.

Assessment of damages.	mentioned, and to assess such damage and recompense; and having first viewed the premises, if necessary, shall inquire into and determine such necessity; and shall also assess such damage as they shall deem fit to be awarded to the owner or owners, or parties interested in such grounds, premises, or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return by such jury of the necessity of taking such grounds, and of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, person, or claimant, before such street, highway, alley, lane, water-course, square, market-place, bridge, or public park shall be made, opened, established, or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds, premises, or property to be immediately converted to and for the use and purposes aforesaid:
Judgment.	<i>Provided</i> , The party claiming damages may have the right to remove such proceedings, by appeal to the circuit court for the county of Kalamazoo, upon giving notice of his or their intention so to do, to the said justice, in writing, within ten days, or in the case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and the judgment of said justice therein as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, <i>superseas</i> , injunction, or any other proceeding or process from any court whatever, shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening, or extending such street, lane, alley, square, water-course, market-place, bridge, or public park as aforesaid, and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' court:
Disposition of moneys assessed.	<i>Provided further</i> , That if the damages awarded on such appeals shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.
Proviso—appeal.	
Proviso—costs of appeal.	
Hook and ladder companies, engines, etc.	SEC. 20. The common council shall have authority to organize fire and hook and ladder companies, and provide or purchase for them proper engines and other instruments, and buy or construct buildings, and purchase grounds or land for such buildings as shall by them be deemed necessary; to appoint from among the inhabitants of said village such number of men as may be deemed proper and necessary to be employed as firemen, not exceeding
Appointment of firemen.	

fifty; which companies shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such companies, during their continuance as such, shall be exempt as jurors, and working poll tax on the highways or streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, ladders, and other instruments of such company, and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other implements, with a view to their perfect order and repair.

Companies shall appoint their own officers.

Fines for non-attendance, neglect of duty, etc.

Members of exempt from certain duties.

Duty of fire company.

SEC. 21. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing such fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder, and trustees, or either of them, who may be present at the fire.

Marshal at fires.

SEC. 22. The common council shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted up in three public places in said village, a true statement of the receipts and expenditures of the preceding year.

Statement of receipts, expenditures, etc.

SEC. 23. In all processes, prosecutions, and other proceedings wherein the common council shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

No citizen shall be deemed an incompetent juror or witness, etc.

Proviso.

SEC. 24. The said common council shall have power to make and enforce such rules, by-laws, and ordinances as they may think proper or deem necessary to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases.

Power of common council relative to public health.

SEC. 25. Any person elected to any office in the said corporation, who has been duly notified of his said election, shall neglect or refuse to qualify within the time provided in this act, and not exempted from holding office, shall forfeit and pay the sum of five dollars.

Neglect of officers to qualify.

SEC. 26. The common council of said village shall have and possess full power and authority to provide by ordinance for the erection and maintenance of a house or jail within the limits of said village, wherein may be confined drunkards, vagrants, disorderly, or idle persons, persons violating the public peace, persons guilty of petty offenses, and persons violating any of the rules, by-laws, ordinances, or regulations of said corporation, for the viola-

Power to provide jail.

tion of which persons guilty thereof may be imprisoned, and wherein may be imprisoned any person convicted of any offense committed within the limits of said corporation, for which such person is liable to be imprisoned in the common jail of said county of Kalamazoo, or arrested on a charge for such offense, and awaiting trial therefor.

Compensation of officers.

SEC. 27. The recorder, treasurer, attorney, marshal, and all other officers of said village shall receive such compensation for their services as the common council may deem right and proper; but the president and trustees shall receive no compensation for their services.

SEC. 28. This act shall be deemed a public act.

SEC. 29. This act shall take immediate effect.

Approved March 12, 1875.

[No. 262.]

AN ACT to organize the township of Excelsior, in the county of Kalkaska.

Township of Excelsior organized.

SECTION 1. *The People of the State of Michigan enact*, That township twenty-seven north, of range six west, in the county of Kalkaska, be and the same is hereby organized into a separate township by the name of Excelsior.

First election.

SEC. 2. The first election of said township shall be held at the house of David E. Wherry on the first Monday of April, eighteen hundred and seventy-five, which said election shall be conducted according to the statutes in such cases made and provided, and David E. Wherry, James Crawford, and James Elliot are hereby constituted and appointed inspectors of said election.

Inspectors of.

Of failure to hold election, at specified time.

SEC. 3. If for any reason the township meeting aforesaid should not be held at the time named, it shall be lawful to hold the same on any day thereafter by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved March 12, 1875.

[No. 263.]

AN ACT to provide for a re-registration of electors in the city of Ann Arbor.

Board of registration to make a re-registration of electors.

SECTION 1. *The People of the State of Michigan enact*, That the board of registration of the city of Ann Arbor, as constituted by the provisions of "An act to further preserve the purity of elections and guard against the abuse of the elective franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, and by the provisions of the charter of said city, shall make a new and complete registration of the electors of

said city, at sessions of said board to be held in the several wards of said city on the Monday, Tuesday, and Wednesday next preceding the annual charter election to be held on the first Monday in April, eighteen hundred and seventy-five, and at such other times, not oftener than every eighth year, as the common council of said city may direct; for which purpose the several ward boards shall be and remain in session from nine o'clock in the forenoon to one o'clock in the afternoon, and from three o'clock in the afternoon until seven o'clock in the afternoon of each day before named. Notice of such sessions and re-registration shall be given as provided in section two of the act above cited, and registration books of the form prescribed by statute, and now in use in said city, shall be provided under the direction of the common council. The rules and regulations prescribed in the act before cited shall be observed and carried out in making the re-registration hereby ordered, and when any registration shall have been completed under the provisions of this act the registry books prior thereto in use in said city shall be deemed invalid, and no person shall vote at any public election in any ward of said city, after such re-registration, whose name shall not be entered in the new register made under the provisions of this act, or be afterwards properly entered in such new register, according to the provisions of the act aforesaid and of this act.

Session of board.

Hours of session.

Notice.

Rules to be observed.

No person to vote unless name is entered in new register.

SEC. 2. Sessions of the board of registration of said city shall be held in the several wards thereof on the Tuesday preceding each general election of State and county officers, for the purpose of registering new electors in the said ward registration books, in the manner prescribed in the aforesaid act, like notice to be given as provided by section six of said act, which sessions shall commence at nine o'clock in the forenoon and close at seven o'clock in the afternoon; and on the Wednesday preceding such general election, the said board of registration shall hold a session at the common council room in said city, from nine o'clock in the forenoon until four o'clock in the afternoon, for the purpose of comparing, revising, correcting, and completing the several ward registration lists. At such session, the presence of one alderman from each ward shall be necessary to constitute a quorum. Applicants for registration, being duly qualified electors, may register at such session, and the names of electors who have removed or died since the preceding election shall be erased with red ink, with the remark, "dead," or "removed," and the date of erasure. If the name of any elector shall be erased by mistake, such elector may be re-registered on the day of election, as provided by section eighteen of the act herein before cited.

Session of board preceding general election.

Notice.

Session of board for comparing and revising ward registration lists.

Quorum.

Erasure of names of electors who have removed or died.

SEC. 3. Sessions of the board of registration shall be held in the several wards on the Wednesday preceding each charter or special election, for new registration and correction of the registry books, such session to be noticed and conducted as provided by the act before cited, except that the erasures of the names of electors who have removed or died shall be made as provided in the preceding section. Such sessions shall commence at nine o'clock in the forenoon and close at seven o'clock in the afternoon.

Session of board preceding charter election.

Now registrations shall be made in accordance with this act.

SEC. 4. Whenever a new registration shall be ordered by the common council of said city, it shall be made in accordance with the provisions of the first section of this act.

SEC. 5. This act shall take immediate effect.

Approved March 12, 1875.

[No. 264.]

AN ACT to detach certain territory from the present township of Otsego Lake, in the unorganized county of Otsego, and organize the same into a separate township, to be known as the township of Charlton.

Township of Charlton organized.

SECTION 1. *The People of the State of Michigan enact*, That townships number twenty-nine north, of ranges one and two west, and townships number thirty north, of ranges one and two west, (being the four southeasterly townships in said county of Otsego), now forming a part of the township of Otsego Lake, in the unorganized county of Otsego, be and the same are hereby set off from the residue of said last named township, and organized into a separate township to be known as the township of Charlton.

First election.

SEC. 2. The first annual meeting in said township of Charlton, shall be held on the first Monday of April next at the house of George Cliff, on section eighteen, in township number twenty-nine north, of range two west; and George Cliff, Andrew McNought, and William E. Houghton, are hereby made and constituted a board of inspectors of said township election.

Inspectors of.

Of failure to hold election at time specified.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors or a majority of them.

Of failure of inspectors to attend.

SEC. 4. If, for any cause, all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election, to choose from the electors present, suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said board.

SEC. 5. This act shall take immediate effect.

Approved March 12, 1875.

[No. 265.]

AN ACT to change the name of the plat and village of Granton, in Bay county, to Standish.

SECTION 1. *The People of the State of Michigan enact, That* the name and plat of the village of Granton, in Bay county, be and the same is hereby changed to Standish. Granton, name changed to Standish.

SEC. 2. The register of deeds for Bay county is hereby directed to enter upon the said plat the fact that the name of said village has been changed as provided in this act, together with a reference to this act, and to hereafter treat all records of Granton as the records of Standish. Register of deeds to make entry on plat, etc.

SEC. 3. All debts, liabilities, rights, privileges, and immunities of every nature incurred by said village of Granton, by or with any person or corporation, shall remain as binding and valid against said village of Standish as they would have been had the name not been changed. Debts, etc., to remain binding against Standish.

SEC. 4. This act shall take immediate effect.

Approved March 12, 1875.

[No. 266.]

AN ACT to detach certain territory from the present township of Otsego Lake, in the unorganized county of Otsego, and organize the same into a separate township, to be known as the township of Livingston.

SECTION 1. *The People of the State of Michigan enact, That* townships numbered thirty-two north, of ranges one, two, and three west, and townships numbered thirty-one north, of ranges one, two, and three west, and the north half of township number thirty north, of range three west, now forming a part of the township of Otsego Lake, in the unorganized county of Otsego, be and the same is hereby set off from the residue of said last named township, and organized into a separate township, to be known as the township of Livingston. Township of Livingston organized.

SEC. 2. The first annual meeting in said township of Livingston shall be held on the first Monday of April next, at the house of W. H. Smith, in the village of Gaylord, in said township; and Nathan L. Parmater, Chester O. Mitchell, and Genett S. King, are hereby made and constituted a board of inspectors of said township election. First election. Inspectors of.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors or a majority of them. Or failure to hold election at time specified.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time Of failure of inspectors to attend.

specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election, to choose from the electors present, suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said board.

SEC. 5. This act shall take immediate effect.

Approved March 12, 1875.

[No. 267.]

AN ACT to amend sections three, four, six, seven, eight, fifteen, thirty-six, thirty-nine, forty-nine, fifty-eight, and sixty-seven of an act entitled "An act to incorporate the city of Greenville," approved March tenth, eighteen hundred and seventy-one, and the acts amendatory thereto, being act number two hundred and fifteen of the session laws of eighteen hundred and seventy-one, and also to amend an act entitled "An act to amend section fifty-eight of an act number two hundred and fifteen of the session laws of eighteen hundred and seventy-one, being an act entitled 'An act to incorporate the city of Greenville,' approved March tenth, eighteen hundred and seventy-one, approved March twenty-three, eighteen hundred and seventy-two.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three, four, six, seven, eight, fifteen, thirty-six, thirty-nine, forty-nine, fifty-eight, and sixty-seven of an act entitled "An act to incorporate the city of Greenville," number two hundred and fifteen, approved March ten, eighteen hundred and seventy-one, be and hereby is amended so as to read as follows:

Wards.

SEC. 3. The said city shall be divided into three wards by the present common council of said city, which wards shall each be entitled to two aldermen and one supervisor.

Officers elected.

SEC. 4. The following officers shall be elected by the electors of said city: One mayor, one clerk, one treasurer, three supervisors, (who shall be *ex officio* assessors), one collector, and three constables, who shall be elected for one year, six aldermen who shall hold their offices two years, and two justices of the peace who shall hold their offices four years: *Provided*, At the first election held the first Monday in April, eighteen hundred and seventy-five, three aldermen shall be elected for two years, and one justice of the peace for four years; that the three aldermen of said city who were elected in the spring of eighteen hundred and seventy-four shall hold their offices until the annual election in the spring of eighteen hundred and seventy-six, and until their successors are elected and qualified. The following officers shall be appointed by the common council: One city attorney, one health physician, fire wardens, pound masters, inspectors and measurers of fire-wood, one commissioner of cemeteries, one marshal, and such police force as may be necessary, and such other officers, assistants, and agents as may be authorized by prior resolutions of the common council.

Terms of office.

Proviso—first
election, etc.

Officers
appointed.

SEC. 6. The first annual election for city and ward officers under this act shall take place on the first Mouday in April in the year one thousand eight hundred and seventy-five, and on the first Monday in April annually thereafter, and all officers now holding office in said city shall continue to hold their respective offices until their successors are elected and qualified. Annual elections, when held.

SEC. 7. Said annual election shall be held at such place in each one of the wards as the common council of said city shall designate, and it shall be the duty of the clerk to give at least ten days' notice of the time and place of holding said election, either by posting written or printed notices in three of the most public places in each of said wards, or by causing the same to be published in a newspaper printed in said city. Where held. Notice.

SEC. 8. The aldermen and supervisors shall be resident electors of their wards for the term that they shall hold office. Aldermen and supervisors shall be resident electors.

SEC. 15. The common council shall have power to fill all vacancies caused by death, resignation, removal, or otherwise, in said city offices (except vacancies in the office of justice of the peace), in which case a special election shall be held, to be ordered by the common council, and notice shall be given in the same manner as the annual election provided for in section seven of this act; but in case of an alderman or supervisor, such vacancy shall be filled by the appointment of a resident elector from the ward which has such vacancy, for the portion of the unexpired term of such office ending at the next annual election of said city, when an alderman or supervisor, as the case may be, shall be elected to fill such vacancy from such ward for the rest of the term. Power of council to fill vacancies.

SEC. 36. Said city shall be entitled to three supervisors, one to be elected in each ward, who shall be assessors in their respective wards. The supervisors of said city are hereby authorized and required to perform the same duty in their respective wards that the supervisors of townships under the general laws of the State are authorized and required to perform in relation to the assessing of property and levying of taxes for State, county, municipal, and school purposes, and for all other purposes whatever, and for such services they shall receive the same fees as supervisors are entitled to. They shall also represent their several wards on the board of supervisors of the county of Montcalm, and shall be entitled to all the rights, privileges, and powers of the members of said board of supervisors, for the purpose of assessing all property equally in the whole city, and for all other purposes whatever, with all the powers of supervisors under the general laws of this State. The said supervisors shall meet at the office of the city clerk at the time required by the statute, for the purpose of reviewing, equalizing, and completing their assessment or assessment rolls for said wards. Supervisors, their duties, etc. Shall represent their wards on board of supervisors.

SEC. 39. The common council shall also have power and authority to vote and cause to be levied and collected, such amount of taxes on all real and personal property, within the limits of said city, as they may deem necessary to defray the incidental expenses thereof, not to exceed one per cent on the assessed valuation thereof, exclusive of the cost of collecting the same, in any one year, Taxes for incidental expenses. Limit.

Special meeting
to vote on greater
sums.

unless as is hereinafter provided. If the said common council shall in any one year deem the aforesaid sum of one per cent on the valuation of the real and personal property in the city insufficient for the use of the city for incidental purposes for that year, they may call a meeting of the tax-payers of the city at some place therein, first giving at least ten days' notice of the time and place of such meeting by publication thereof in all the papers printed in said city, who may then and there vote to levy, assess, and collect such further tax upon all the real and personal estate in the city as they may deem necessary and expedient. The mayor of said city, or in his absence the clerk, shall preside at such meeting, and none but tax-payers shall be allowed to vote.

Only tax payers
to vote.

Council shall
establish grades,
sidewalks, etc.

SEC. 49. The common council shall have full power, and it shall be their duty, to establish all grades of sidewalks, pavements, or planking, and streets, lanes, or alleys, and regulate the grading of the same. But the grading and repairing of streets, lanes, or alleys, where no pavement, sidewalk, or planking is required, shall be done at the expense of the city, except as hereinafter provided: *Provided*, That it shall be the duty of the common council, under this act, to first grade and work all the streets connecting with the roads leading out of the city, as fast as it can be done with safety to the public travel on the other streets of said city, and also to keep the same in good repair: *And provided*, That when the

Proviso—streets
connecting with
roads leading out
of city, to be
graded first.

Proviso—
petition for im-
provement of
streets, etc.

property owners on any street or part of any street, by a petition to the common council, signed by at least two-thirds of said property owners on said street or part thereof to be affected thereby, request that said street or part thereof shall be improved, that said petition shall state the amount to be expended on said street, and the common council may, in their discretion, order the same as petitioned for, to be graded and otherwise improved under the direction of the marshal or street commissioner, and cause the expense of said improvement and grading to be assessed on the property of said street or part of street graded and improved, by virtue of such petition. The supervisors of the wards through which said improvements pass shall, and they are hereby authorized to make such assessment, and sign and attach their certificate thereto. The mayor is authorized to, and shall within ten days thereafter, annex his warrant to said assessment, which warrant shall be the same as that prescribed by section forty-two of this act, except that it shall command the marshal to collect said assessment within thirty days from the date thereof; the powers and duties of said marshal, relative to the collection of said assessments and the return of the assessment roll, shall be the same as those of collector as specified in said section forty-two, and the said marshal shall, upon the return of said assessment roll, pay over to the treasurer of said city all moneys collected by him by virtue thereof.

Council may
order improve-
ment as peti-
tioned.

Expense there-
for, how as-
sessed.

Warrant.

Finances, prop-
erty, etc.

SEC. 58. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to said city, and may make such orders, by-laws, and ordinances relating

By-laws, ordi-
nances, etc.

to the same as they shall deem proper and necessary, and further, that they shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable within said city, for the following purposes:

First, To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of said city; to prevent and quell riots, disturbances, disorderly conduct, and assemblages, and to provide that the proprietors or lessees of public halls in said city shall keep a sufficient police force to preserve order at all exhibitions, dances, and performances for money in their halls;

Relative to preservation of public peace.

Second, To restrain and prevent disorderly and gaming places, houses of ill-fame, and to restrain bowling alleys, saloons, and restaurants;

Gaming places, etc.

Third, To forbid and prevent the giving of or selling of intoxicating liquors to any minor, apprentice, or drunkard;

Sale of liquors to minors.

Fourth, To prohibit, restrain, regulate, license, and tax all sports, exhibitions of natural and artificial curiosities, caravans of animals, theatrical exhibitions, circuses, lectures delivered for money, not before a college or organized literary society, or other performances and exhibitions for money;

Sports, exhibitions, etc.

Fifth, To prohibit and restrain the sale of all goods, wares, and personal property at auction except in cases of sale authorized by law, auctioneers, peddlers, foot-peddlers, hawkers, ten-pin alleys, and billiard tables;

Auctions.

Sixth, To abate or remove nuisances of every kind, and to compel the owner or occupant of every grocery, tallow chandler shop, butcher's stall, meat market, soap factory, tannery, cellars, and storerooms where hides, furs, pelts, or tallow are stowed, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city;

Nuisances.

Seventh, To prohibit, restrain, and regulate the driving of horses, oxen, and mules, hogs, sheep, and cattle upon the sidewalks of said city, and the sliding, skating, hauling of carts and sleds, and wheeling of wheelbarrows on said sidewalks;

Driving upon sidewalks, etc.

Eighth, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder, oils, and other combustible substances;

Slaughter-houses, markets, etc.

Ninth, To prohibit, restrain, and regulate the sale of carbon oil, and oils and illuminating materials that are found to be below the standard required to prevent their being dangerous and explosive, when used in lamps and burners;

Sale of illuminating oils.

Tenth, To prohibit, regulate, and restrain the laying of gas-pipes and gas mains;

Gas-pipes, etc.

Eleventh, Concerning the lighting of streets and alleys, and the protection and safety of public lamps;

Lighting of streets, etc.

Twelfth, Concerning the buying, carrying, selling, and using gunpowder, fire-crackers, and fire-works manufactured or prepared therefrom, or other combustible materials, and the exhibition of

Gunpowder, fire-crackers, lights in barns, stables, etc.

	fire-works, and the discharge of firearms, and the lights in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards;
Incumbering of streets, sidewalks, etc.	<i>Thirteenth</i> , To prevent the incumbering of streets, sidewalks, crosswalks, gutters, squares, parks, lanes, alleys, bridges in any manner whatsoever;
Horse-racing, immoderate driving, etc.	<i>Fourteenth</i> , To prevent and punish horse-racing, and immoderate driving or riding in any street or over any bridge; and to authorize the stopping and arrest of any person who shall be guilty of immoderate driving or riding in any street or over such bridge;
Bathing.	<i>Fifteenth</i> , To prohibit and regulate the bathing in any of the lakes, ponds, or races within said city;
Drunkards, vagrants, etc.	<i>Sixteenth</i> , To restrain and punish drunkards, vagrants, mendicants, street beggars, disorderly persons, and persons found drunk in the streets;
Pounds, and impounding of cattle.	<i>Seventeenth</i> , To establish and regulate one or more pounds, and restrain and regulate the running at large of horses, cattle, swine, and other animals, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;
Dead carcasses or unwholesome substances, etc.	<i>Eighteenth</i> , To prohibit any person from bringing or depositing any dead carcass, or any unwholesome or offensive substance, within the limits of said city, and to require the removal or destruction thereof; if any person or persons shall have on his, or her, or their premises, such substance, or any putrid meats, fish, hides or skins, and on his, or her, or their refusal to remove the same forthwith, to authorize the removal and destruction thereof by said officers of said city;
Resistance of officers.	<i>Nineteenth</i> , To prevent and punish the resisting and obstructing of any officer in the discharge of his duties;
Dogs.	<i>Twentieth</i> , To prevent and regulate the running at large of dogs;
Clearing of sidewalks.	<i>Twenty-first</i> , To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions of any kind;
Ringling of bells, obscene language, etc.	<i>Twenty-second</i> , To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disorderly noises and obscene and improper language in the streets;
Licensing traveling physicians.	<i>Twenty-third</i> , To license all traveling physicians who may visit said city for the purpose of practicing their professions for money: <i>Provided</i> , That this section shall not include any physician from abroad who may have been called to said city to consult with a resident physician;
Lines of fences and buildings.	<i>Twenty-fourth</i> , To regulate and establish the line upon which fences and buildings may be erected upon any street, lane, or alley in said city, and to compel such fences or building [buildings] to be erected upon such line, by fine upon the owner or building thereof, not to exceed five hundred dollars;
Burial of the dead.	<i>Twenty-fifth</i> , To regulate the burial of the dead, and to compel the keeping of bills of mortality;

Twenty-sixth, To establish, order, and regulate the markets, regulate the vending of wood, meat, vegetables, fruits, and provisions of all kinds, and time and place for selling the same: *Provided*, That nothing herein contained shall prevent the selling of fish and wholesome meat by the quarter within the limits of said city; Markets, etc.

Twenty-seventh, To establish, regulate, and preserve public wells, reservoirs, and pumps, and to prevent the waste of water; Wells, reservoirs, etc.

Twenty-eighth, To prescribe the term of office and the duties of all officers appointed by said common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds, and the number of sureties to be given by the officers of the city for the discharge of their duties, and the times for making the same, in cases not otherwise prescribed by law or by this act; to prescribe and regulate the stands Appointed officers, their duties, compensation, bonds, etc.

for carts and carters, drays and draymen, and the stand or stands for wood, hay, and produce exposed for sale in said city, and to prescribe and regulate the weighing of hay and measuring of firewood by the persons appointed by the common council for that purpose; Stands for carts, drays, etc.

Twenty-ninth, To ascertain, establish, and settle the boundaries of all streets, lanes, and alleys, and public places in said city, and remove all encroachments thereon; Hay and wood.

Thirtieth, To regulate the setting of awning and other posts and trees in the streets, lanes, alleys, and public places in said city; to construct and repair sewers, drains, and bridges. Boundaries of streets, lanes, etc.

FIRES AND FIRE DEPARTMENT.

Thirty-first, To make all such by-laws and ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fires and thieves, robbers and burglars at fires; to compel the owners or occupiers of buildings to procure and keep in readiness such a number of fire buckets as they may direct. They shall also have power to prohibit, forbid, and prevent the construction or erection within such parts, streets, or districts of said city, as in their opinion the public safety may require, any wooden or frame house, store, shop, or other building, and prohibit and prevent the removing of wooden or frame buildings from any part of said city to any lot or place within said limits, and re-building and repairing of the same; and also to regulate the construction of party walls, chimneys, fire-places, and the putting up of stoves, stove-pipes, furnaces, grates, and other things that may be dangerous in causing or promoting fires; to prohibit the burning out of chimneys in order to clean the same; to compel and regulate the cleaning of the same; to appoint fire-wardens to enter into all buildings to discover whether the same are in a dangerous state, and to cause all such as are in a dangerous state to be put in a safe condition; and also to regulate the construction of all blacksmith shops, cooper shops, carpenter shops, planing establishments, bakeries, and all buildings and establishments usually regarded as extra hazardous in respect to fire; to establish and regulate such hand fire-engine companies, hose companies, hook-and- Security against fires, thieves, robbers, etc.

Fire buckets.
Fire limits.

Party walls, chimneys, fire-places, etc.

Fire-wardens.

Hazardous buildings.

Fire companies.

Water-works, etc.	ladder companies, steam fire-engine companies, and bucket companies as they may deem necessary, and to provide such proper buildings, engines, reservoirs, equipments, and implements as they may deem necessary; or they may establish and construct such water-works, buildings, and machinery to supply the city with water, and for the protection thereof from fire, as they may deem necessary. To accomplish the foregoing provisions for furnishing water and the protection of the city from fire, they are hereby authorized to borrow money and to issue bonds of the city therefor, in such sums and for such amounts as they may deem necessary, not exceeding twenty thousand dollars, at a rate of interest not exceeding ten per cent per annum, and payable in not more than fifteen years from the date thereof: <i>Provided, however,</i> That said bonds shall not be issued payable, and due in any one year, an amount exceeding two thousand dollars exclusive of interest: <i>Provided, also,</i> That no more than five thousand dollars of said bonds shall be issued without a majority of the electors voting at a special or annual election, duly called, due notice of which shall be given, shall, voting by ballot, thus determine. The said common council are hereby authorized, in addition to the powers conferred in section thirty-nine of the act to which this is amendatory, to levy and collect such amount of taxes yearly on the real and personal property of said city of Greenville as shall become due and payable on any of [the] aforesaid bonds, both principal and interest. If, in the construction and maintenance of said works, it becomes necessary to use the grounds or property of private owners, either within or without the limits of the city, the common council are hereby authorized to institute such proceedings as are provided for in sections twenty-eight and twenty-nine of the act to which this is amendatory, for the acquirement and condemnation of lands for roads, streets, and other public grounds. The members of the fire department of said city shall be excused from the payment of poll-tax in said city, shall be excused from all duty in the militia in time of peace, and also from serving on any jury in any of the courts in the county of Montcalm; and upon the breaking out of such fire the chief engineer and his assistants, the marshal and constables of said city, may require the assistance of bystanders to aid and assist such companies in extinguishing the fire or fires, to prevent any goods or property from being stolen or injured, and in protecting, conveying, and securing the same; and in case any bystander shall willfully refuse or neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws and ordinances of said common council, who are hereby authorized to pass such by-laws and ordinances in relation thereto as they may deem necessary;
Money may be borrowed and bonds issued for foregoing.	
Proviso—amount of bonds limited.	
Further proviso.	
Payment of bonds.	
Private property may be used in construction of works.	
Members of fire departments excused from certain duties.	
Bystanders may be required to assist at fires.	
Salaries, etc., of certain officers.	<i>Thirty-second,</i> To regulate the salaries, the amount of bonds to be given, and the sureties of the clerk, marshal and treasurer;
Confinement of criminals.	<i>Thirty-third,</i> To provide for and designate a place in said city for the temporary confinement of persons charged with crimes or misdemeanors while awaiting trial or examination; <i>Thirty-fourth,</i> To vacate the cemetery in said city, known as

the "old burying-ground," in the western part of said city, on Washington street, and bounded on the north and east by Ber-
 ridge's addition to said Greenville, on the west by Macomber and
 Jefferd's addition, and on the south by said Washington street, and
 remove or cause to be removed, the bodies therein buried, to the
 "Forest Home Cemetery" near said city, except in such cases as
 the friends of persons buried in said old burying-ground shall elect
 to remove such bodies to some other place without expense to said
 city: *Provided*, That before any body shall be removed, the said
 city shall file such record evidence of perpetual right of burial of
 the lot where the re-interment is proposed to be made, as the rules
 of the city governing the Forest Home Cemetery require to fully
 secure that right.

"Old burying-ground."

Provido.

SEC. 67. This act shall not be construed so as to change, alter,
 or annul any act heretofore passed for the organization or govern-
 ment of school district number one of the township of Eureka, or
 alter or annul any obligations incurred thereby previous to the
 passage of this act, nor shall it annul, alter, or change an act en-
 titled "An act to authorize school district number one of the
 township of Eureka, in Montcalm county, to issue bonds for the
 purposes therein mentioned," approved February twenty-eighth,
 eighteen hundred and sixty-seven, or any obligations and responsi-
 bilities incurred thereunder, or by virtue thereof: *Provided, how-*
ever, That hereafter the said school district shall be known and
 designated as "The school district of the city of Greenville."

Construction of act relative to school districts.

Provido.

SEC. 2. This act shall take immediate effect.

Approved March 17, 1875.

[No. 268.]

AN ACT to vacate the township of Webster, in the county of
 Houghton, and to incorporate its territory within the township
 of Portage, in the county of Houghton.

SECTION 1. *The People of the State of Michigan enact*, That
 the township of Webster, in the county of Houghton, be and the
 same is hereby vacated, and the organization thereof dissolved and
 repealed, and the territory included in said township of Webster
 be and is hereby attached to and incorporated within the township
 of Portage, in said county of Houghton, and shall form a part of
 said township of Portage.

Township of Webster vacated, and territory attached to the township of Portage.

SEC. 2. Said township of Portage is hereby made the legal suc-
 cessor of said township of Webster hereby vacated, and as such
 successor shall succeed to all property, real, personal, and mixed,
 and rights of action belonging to said township of Webster, and
 shall assume and pay any and all lawful debts and claims against
 said township; and the officers of said township of Webster shall,
 upon this act taking effect, deposit the records, books, vouchers,
 papers, money, and other property whatsoever belonging to said
 township of Webster with the corresponding officers of Portage

Portage made legal successor of Webster.

township, who are hereby declared to be the successors of said officers of Webster township.

School inspectors shall re-number school districts.

SEC. 3. The board of school inspectors of Portage township shall, after this act takes effect, re-number the school districts of Webster township as school districts of Portage township, at a special meeting of such school inspectors to be held as provided by law.

SEC. 4. This act shall take immediate effect.

Approved March 17, 1875.

[No. 269.]

AN ACT to vacate the township of Huron, in the county of Houghton, and to incorporate its territory within the township of Portage, in the county of Houghton.

Township of Huron vacated and territory attached to the township of Portage.

SECTION 1. *The People of the State of Michigan enact*, That the township of Huron, in the county of Houghton, be and the same is hereby vacated, and the organization thereof dissolved and repealed, and the territory included in said township of Huron be and is hereby attached to and incorporated within the township of Portage in said county of Houghton, and shall form a part of said township of Portage.

Portage made legal successor of Huron.

SEC. 2. Said township of Portage is hereby made the legal successor of said township of Huron hereby vacated, and as such successor shall succeed to all property, real, personal, and mixed, and rights of action belonging to said township of Huron, and shall assume and pay any and all lawful debts and claims against said township, and the officers of said township of Huron shall, upon this act taking effect, deposit the records, books, vouchers, papers, money, and other property whatsoever, belonging to said township of Huron, with the corresponding officers of Portage township, who are hereby declared to be the successors of the township of Huron.

School inspectors shall re-number school districts.

SEC. 3. The board of school inspectors of Portage township shall, after this act takes effect, re-number the school districts of the township of Huron as school districts of the township of Portage, at a special meeting of such school inspectors to be held as provided by law.

SEC. 4. This act shall take immediate effect.

Approved March 17, 1875.

[No. 270.]

AN ACT to organize the township of Fraser, in Bay county.

Township of Fraser organized

SECTION 1. *The People of the State of Michigan enact*, That the following territory, namely, township sixteen north, of range three east, and township sixteen north, of ranges four and five east, be and the same is hereby organized into a new township, to be called and known as the township of Fraser, in Bay county.

The first township meeting shall be held on the first Monday of April, eighteen hundred and seventy-five, at the house of William Michie, and William Michie, Albert Neville, and B. W. Merrick are hereby appointed inspectors of such first election. First election.

SEC. 2. If for any reason the township election shall not be held in the township named in this act at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors, or a majority of them, are hereby authorized and required to do. Of failure to hold election at specified time.

SEC. 3. This act shall take immediate effect.

Approved March 17, 1875.

[No. 271.]

AN ACT to amend section thirty-six of chapter eight of an act entitled "An act to revise the charter of the city of Detroit," approved February five, eighteen hundred and fifty-seven, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-six (36) of chapter eight (8) of an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven, as amended by the several acts amendatory thereof. Section amended

SEC. 36. The expenses of constructing and repairing plank crosswalks in the several wards shall be defrayed from the general road fund mentioned in subdivision seven (7) of section one of this chapter. Expenses of constructing crosswalks, etc., how defrayed.

SEC. 2. This act shall take immediate effect.

Approved March 17, 1875.

[No. 272.]

AN ACT to revise the charter of the City of Big Rapids.

SECTION 1. *The People of the State of Michigan enact*. That so much of the township of Big Rapids, in the county of Mecosta, being township fifteen (15) north, of range ten (10) west, in said county, as is included in the following descriptions, to-wit: the south half ($\frac{1}{2}$) of section two (2), the south half ($\frac{1}{2}$) of section three (3), entire section ten (10), entire section eleven (11), entire section fourteen (14), entire section fifteen (15), the north half ($\frac{1}{2}$) of section twenty-two (22), and the north half ($\frac{1}{2}$) of section twenty-three (23), in said township, is hereby organized and incorporated into a city by the name of the City of Big Rapids. Boundaries. Corporate name.

SEC. 2. The inhabitants of said city shall be a body corporate, and shall be known in law by the name of the City of Big Rapids, and shall be capable of suing and being sued, of pleading and

being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all places whatever; may have and use a common seal, and alter it at pleasure, and shall be capable of purchasing, holding, and disposing of real and personal estate for the use of said corporation.

Wards. SEC. 3. The said city shall be divided into four (4) wards. The first ward (1) shall include all that portion of the city lying on section fourteen (14) and section twenty-three (23); the second ward shall include all that portion of the city lying on section two (2) and section eleven (11); the third ward shall include all that portion of said city lying on section three (3) and section ten (10); and the fourth (4) ward shall include all that portion of the city lying on section fifteen (15) and section twenty-two (22).

Officers. SEC. 4. The officers of said city shall be one mayor, one recorder, who shall be *ex officio* school inspector and city clerk, one treasurer, who shall be *ex officio* collector, one city attorney, one marshal, one street commissioner, two (2) school inspectors, one supervisor for each ward, who shall be *ex officio* assessor therein, two (2) aldermen for each ward, one (1) justice of the peace, and one (1) constable for each ward. The mayor, recorder, supervisor, [super-

Terms of office. visors,] treasurer, marshal, and street commissioner shall be elected for one (1) year, and shall hold their offices until their successors shall be elected and qualified, and the alderman shall be elected for two (2) years, except as hereinafter provided, and shall hold their offices until their successors are elected and qualified. The city attorney shall be appointed by the common council, and shall hold his office for one year, unless sooner removed by the common council upon cause shown, and until his successor is appointed and qualified. At the first election after the passage of this act there shall be elected one

Idem. (1) mayor, one recorder, one marshal, one (1) treasurer, and one (1) street commissioner; also one (1) school inspector for the term of two years, and at each and every annual election thereafter there shall be elected a mayor, recorder, treasurer, street commissioner, for the term of one (1) year, and until their successors are elected and qualified; also one (1) school inspector for the term of two (2) years, and until his successor is elected and qualified, [and] one justice of the peace for the term of four years, and until his successor is elected and qualified. The justices of the peace shall file their oaths of office in the office of the county clerk of the county of Mecosta, and shall have, in addition to the jurisdiction conferred upon them by this act, the same jurisdictional powers and duties conferred on justices of the peace of townships by the laws of this State. One constable shall be elected annually for each ward, and shall hold his office until his successor shall be elected and qualified: *Provided*, That the alderman, justices of the peace, supervisors, and constables shall be elected by the electors of the wards for which they are respectively elected, and said justices of the peace may hold their offices at any place within the [said] city of Big Rapids. At the first election after the passage of this act there shall be elected one alder-

Oath of office of justices.

Jurisdiction.

Constable, term of office.

Proviso.

Aldermen, terms of office, etc.

man in each ward for the term of two years and until his successor is elected and qualified: *Provided*, That the present officers of said city and of the several wards thereof shall hold their respective offices and perform their respective official duties until their successors are elected and qualified as provided in this act. The supervisors of said city shall possess the same powers and perform the same duties relative to the assessment of property and the extending of the taxes in the respective wards as supervisors of the several townships of this State; they shall each represent their respective wards of the city on the board of supervisors of the county of Mecosta, with the same powers, privileges, and duties as the supervisor [supervisors] of any township. Every person elected or appointed to any office under this act (except justices of the peace) shall, before entering upon the duties of his office, and within ten days after receiving notice of such election or appointment, subscribe and take the oath required by the constitution of this State, and file the same with the recorder.

Supervisor, his powers, duties, etc.

Official oath.

SEC. 5. The first annual election to be held under this act shall be held in the several wards of the city on the first Monday of April one thousand eight hundred and seventy-five, at such place in each ward as may be fixed by the present common council of said city. The annual elections after the first under this act shall be held on the first Monday of April in each year, at such place in each of the several wards as the common council may designate, notice whereof shall be given by the recorder at least eight days before the election, by posting the same in three public places in each ward. The alderman and justices of the peace in each ward shall be the inspectors of all elections held in said city, and shall choose the clerk thereof, and in case of the absence of one or more of said inspectors, the electors present may choose *viva voce* from their number one or more to fill such vacancies, to whom shall be administered the constitutional oath, by either of said inspectors or by any justice of the peace. The time of opening the polls, the manner of conducting all elections held in said city, and canvassing the votes cast at the same, and the qualifications of electors in the several wards shall be the same as that of townships, the word "ward" instead of township being used in the oath to be administered to an elector in case his vote shall be challenged: *Provided*, That at such elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city, and upon the Tuesday next following the day of any election held in said city, the common council shall meet at the office of the said recorder at one o'clock in the afternoon of that day, and thereupon determine who, by the greatest number of votes given in the several wards at the said election, are duly elected to fill the respective city and ward offices. And it shall be the duty of the recorder immediately after such determination to cause notice to be given to each of the persons elected of his election, and each of

Annual elections, when and where held.

Notice of.

Inspectors of elections.

Clerk of.

Vacancies.

Oath.

Opening and closing of polls, manner of conducting elections.

Proviso—filing statement of votes given.

Council to determine who are elected.

Recorder to notify persons of their election.

Official oath.	the said officers shall within ten days thereafter take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the city recorder, who shall file the same in his office: <i>Provided</i> , That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof in writing, and of his own election, and cause the same to be delivered to the county clerk in the same manner as is required of township clerks by the laws of this State. And in case two or more persons shall receive for the same office an equal number, and not a plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes who shall be considered elected to such office.
Filing of oath.	
Proviso.	
Tie.	<p>SEC. 6. The mayor, recorder, and alderman when assembled shall constitute the common council of said city of Big Rapids, and a majority of the whole, the mayor always being one, shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time, and the common council may be summoned to hold its meetings at such time and in such place within the limits of said city as the mayor, or in case of his absence or inability to act, as the recorder may appoint. And the common council shall have power to impose, levy, and collect such fines as they may determine and deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the mayor or recorder from the meeting, the alderman present may appoint a president or recorder <i>pro tem</i> from the members present. The mayor shall not be entitled to a vote except as a presiding officer in case of a tie; and no alderman shall be allowed to vote on any question in which he shall have a direct personal interest, such interest being made to appear. But upon all other questions each alderman shall vote, unless excused by a majority of the common council.</p> <p>SEC. 7. The common council shall have power to confirm the election of a chief engineer of the fire department after the members of the fire companies of said city have made such election, and shall have power to appoint such other officers, not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act. The common council shall also have power to remove the treasurer of said city for any violation of the lawful orders of said common council or for the violation of any law of this State; and in case of the death, resignation, or removal from office, or removal from the city or ward for which he has been elected, of any officer of said corporation, the common council of said city, as soon as may be, shall appoint an officer to fill such vacancy for the unexpired portion of the year and until his successor is elected and qualified. And all officers so appointed shall be notified and shall qualify in the same manner as if elected to fill said office by the electors of said city: <i>Provided</i>, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.</p>
Common council.	
Time of meeting.	
Fines for non-attendance.	
Who shall preside.	
Mayor may vote in case of a tie.	
When alderman debarred from voting.	
Confirmation of election of chief engineer of fire department.	
Other officers, appointment of.	
Council may remove treasurer.	
Vacancies.	
May appoint officers to fill vacancies.	
Notice to appointed officers, qualifications of, etc.	
Proviso.	

SEC. 8. The common council of said city shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may dispose of the same, and make such rules, by-laws, and ordinances in relation thereto as such common council shall deem proper and necessary. And further, said common council shall have power within said city to enact, continue, establish, modify, annul, and repeal all such ordinances, by-laws, and regulations as shall be by said common council ordained, passed, adopted, and established for the following purpose [purposes] :

To control
finances, etc.

May pass laws
relative to.

First, To prevent vice and immorality, to preserve peace and good order, to organize, maintain, and regulate a police force in said city, to prevent and quell riots, disturbances, and disorderly assemblies;

Vice and immor-
ality.

Police.

Second, To prevent and restrain disorderly and gaming houses and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices;

Disorderly
houses.
Gaming.

Third, To forbid and prevent the vending, giving away, or other disposition of intoxicating drinks to any drunkard, minor, or apprentice, without the consent of his or her parents or guardian, or in violation of the laws of this State; and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix and change at pleasure the amount of license fees to be paid by auctioneers, and establish and fix the amount of fees which auctioneers may charge for selling property;

Liquors.

Auctions.

Fourth, To prohibit, restrain, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions, and to fix and change the amount of license fees to be paid to said city by all persons or corporations giving any exhibitions, or exhibiting any natural or artificial curiosities, caravans of animals, or circuses, within the corporate limits of said city;

Sports.

Fifth, To abate or remove nuisances of any kind, to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, abate, or remove the same from time to time, as often as it may be deemed necessary for the health, comfort, or convenience of the inhabitants of said city;

Nuisances.

Sixth, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible material or substances;

Slaughter-
houses, etc.,
location of.

Seventh, Concerning the buying, carrying, selling, and using gunpowder and other combustible materials, and the exhibitions of fireworks, the use of lights in barns, stables, and other buildings, and to regulate and prohibit the discharge of firearms within the limits of said city, and the making of bonfires in any streets, alleys, commons, or yards within the limits of said city;

Gunpowder, etc.

Fireworks, etc.

Firearms, bon-
fires, etc.

Eighth, To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges or other public places in said city in any manner whatever, and to remove such encumbrances;

Encumbering of
streets, side-
walks, etc.

- Horse racing.** *Ninth,* To prevent persons from, and to punish them for, the racing of horses, and for immoderate driving or riding in any street or alley in said city ;
- Railroads.** *Tenth,* To determine and designate routes and grades of any railroads built in said city, and to regulate the use of engines and cars upon railroads within the corporate limits of said city, and to establish the rate of speed at which the same may be run ;
- Salubrity of waters.** *Eleventh,* To preserve the salubrity of the waters of the Muskegon River and Mitchell Creek within the limits of said city. To prohibit or regulate bathing therein, and to provide for cleansing the same of drift-wood or other obstructions, to fill up all low grounds or lots covered or partially covered with water, or to drain the same in a manner deemed expedient ;
- Bathing.** *Twelfth,* To define by ordinance, and to change the same at pleasure, what acts, vocations, or conditions shall render persons disorderly, and to punish all persons declared by ordinance to be disorderly persons ;
- Power of council concerning disorderly persons.** *Thirteenth,* To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to establish a fine or penalty to be incurred by the owner of such animals, geese, and poultry for permitting the same to run at large, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding the same ;
- Pounds.** *Fourteenth,* To prevent and regulate the running at large of dogs, and to impose taxes upon dogs, and penalties and fines on the owners of dogs, and to prevent dog-fights in the streets of said city ;
- Dogs.** *Fifteenth,* To prevent any person from bringing or depositing within the limits of said city any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his or her premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of said city, and to inflict fines or penalties upon such persons ;
- Unwholesome substances.** *Sixteenth,* To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow or ice, dirt, wood, or other obstructions. But said city shall never be liable for any damage sustained by any person in consequence of defective streets, crosswalks, or sidewalks in said city, or in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, or other obstructions ;
- Clearing of sidewalks.** *Seventeenth,* To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets ;
- Damage from defective streets, crosswalks, etc., city not liable.** *Eighteenth,* To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies ;
- Ringling of bells.** *Nineteenth,* To establish, order, and regulate the markets, and to prohibit forestalling the same ; to regulate the vending of wood,
- Duties of officers**
- Markets.**

meats, vegetables, fruits, fish, and provisions of all kinds, and to prescribe the time and place for selling the same, under reasonable fines and penalties;

Twentieth, To establish, regulate, and preserve public reservoirs, wells, and pumps, and to prevent the waste of water; Reservoirs, wells, etc.

Twenty-first, To adopt rules and regulations for cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, drays and wagons and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the license fees to be paid by them into the city treasury; Cartmen, carts, etc.

Twenty-second, To prevent runners, stage drivers, and others from soliciting passengers or others to travel or ride in any stage, carriage, cab, or omnibus, or any railroad car, or to go to any hotel, boarding house, or victualing house in said city; Runners.

Twenty-third, Concerning the lighting of the streets and alleys, and the protection and safety of the public lamps; Lighting of streets.

Twenty-fourth, To regulate and restrain hawking and peddling in the streets of said city, and to restrain and regulate pawn-brokers in said city; Peddling.

Twenty-fifth, To prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided by law; Official bonds.

Twenty-sixth, To make all such by-laws and ordinances as shall be deemed necessary and proper to secure the said city and the inhabitants thereof against injuries by fire, and to prescribe the manner in which stoves with their pipes in actual use shall be put up, and the manner in which and the material of which chimneys shall be built, and to provide for the organization of companies not exceeding in number one hundred and twenty-five persons each, and to furnish such companies with proper buildings, engines, and other implements, to prevent and extinguish fires. Every such company shall have power to appoint from among its own members its officers, and to pass by-laws for its organization and government, subject to the approval of the common council of said city, and to impose and collect such fines for non-attendance or neglect of duty of its members as may be deemed necessary and proper, and every person belonging to such company may obtain from the recorder of said city a certificate that he is a member of such company, which certificate shall be *prima facie* evidence of the membership of the holder thereof for one year from the date of such certificate. Every member of such company during his membership shall be exempt from service on juries, and military tax in time of peace, and from the payment of poll tax; To pass by-laws, etc., relative to fires. Stoves, chimneys, etc. Fire-companies. Officers, by-laws, etc. Fines for non-attendance. Certificates of membership. Members exempt from certain duties.

Twenty-seventh, To prohibit and prevent the location and construction of any frame house, store, shop, or other building on any streets, alleys, or places in said city, or within such limits in said city as the common council may from time to time prescribe. To prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on said streets, alleys, or places, or within said limits, and the rebuilding or repairing of the same. Fire limits.

	To prevent the rebuilding or repairing of wooden buildings on said streets, alleys, or places, or within said limits, when damaged by fire or otherwise;
Hotels, taverns, etc., licensing of.	<i>Twenty-eighth</i> , Concerning the licensing of all persons in said city who are engaged in the business of carrying on a hotel, farmers' inn, restaurant, boarding house, or saloon; also all common victualers and the keepers of all places where refreshments are sold or kept for the public: <i>Provided</i> , That no license shall be required from any hotel or boarding house where the exclusive business carried on is to supply meals and lodging to boarders and transient guests, and where no saloon is kept in such hotel or boarding house.
Proviso.	But such boarding house or hotel keeper shall show such facts affirmatively by an affidavit, to be filed by such person with the recorder of said city, at or before the time for collecting such licenses, and to regulate the time and manner of collecting such licenses, and impose punishment by fine or imprisonment, or both, for neglect or refusal to pay the fees required for such licenses, and the amount of such license may be collected in an action of debt brought in the name of the city, in any court of competent jurisdiction; and to fix the time of night when all places mentioned in this subdivision shall close, and the time in the morning when they may be opened;
Time and manner of collecting.	
Time of opening and closing hotels, saloons, etc.	<i>Twenty-ninth</i> , To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rate of fare and charges, and the stand or stands for wood, hay, or produce exposed for sale in said city, and to regulate the sale thereof; and for the purpose of carrying into effect the powers conferred in this section, the common council of said city shall have power to prescribe in any by-law or ordinance made or ordained by said common council, that the person offending against the same shall be punished by fine, or imprisonment in the common jail of the county of Mecosta, or by both fine and imprisonment, in the discretion of the court before whom the offenders shall be tried, or said common council may provide that such person so offending shall forfeit and pay a sum of money, to be recovered by said city against such person in an action of debt before any court of competent jurisdiction: <i>Provided</i> , That no such fine or forfeiture shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed the period of three months.
Stands for carriages.	
Stands for wood, hay, etc.	
Fines, penalties, etc.	
Proviso.	
Style of ordinances.	SEC. 9. The style of all ordinances passed by the common council of said city shall be: "It is hereby ordained by the common council of the city of Big Rapids." And all ordinances passed by the said common council shall be signed by the mayor and the recorder of said city, and shall be published in a weekly newspaper published and circulated in said city, for two publications in succession after the passage thereof before such ordinance shall be of force.
Signing and publication of.	
Meetings of the council shall be public.	SEC. 10. All meetings of the common council shall be public, and its proceedings shall be open to the public inspection at all reasonable times.
Right to petition council.	SEC. 11. The inhabitants of said city shall have the right to petition the common council.

SEC. 12. The common council shall be the judge of the election and qualification of its own members, and shall have power to determine contested elections, to compel the attendance of absent members, to determine the rules of its proceedings, and to pass all by-laws and rules necessary and convenient for the transaction of business not inconsistent with this act.

Council to judge of qualification of members.

SEC. 13. Any justice of the peace residing in and elected for said city shall have full power and authority, and it is hereby made the duty of such justice, upon complaint made to him, verified by oath, to inquire into and try and determine all offenses which shall be committed against said ordinances of the common council made in pursuance of the power granted by this act, and to punish the offenders as by the said by-laws and ordinances shall be prescribed and directed, to award all process and take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison as occasion shall lawfully require.

Powers and duties of justices of the peace.

SEC. 14. The corporation of the city of Big Rapids shall be allowed the use of the common jail of the county of Mecosta for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council, and all persons committed to jail by any justice of the peace for any violation of a by-law or ordinance of said common council shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged as in other cases.

Corporation allowed use of county jail.

SEC. 15. Whenever any person shall be charged with having violated any by-law or ordinance of said city by which the offender is liable to punishment by fine or imprisonment, any justice of the peace of said city to whom complaint shall be made shall issue a warrant to the sheriff or any constable of said county, or the marshal of said city, commanding him to bring the body of such person before him forthwith, to be dealt with according to law, and any such officer to whom such warrant shall be delivered for service is hereby required to execute the same under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute criminal process. And all process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of said city of Big Rapids may be directed to the sheriff or any constable of the county of Mecosta, or to the marshal of the city of Big Rapids, and such process may be executed by any of said officers, and shall be returnable the same as other similar process issued by justices of the peace under the laws of this State.

Justices to issue warrants for arrest of offenders.

How process shall be directed.

SEC. 16. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully enforced and executed. The mayor shall be the chief executive officer of the city of Big Rapids, and a conservator of the peace.

Mayor, powers and duties of.

SEC. 17. It shall be the duty of the mayor of said city to see that officers of the said city shall faithfully comply with and discharge their official duties; to see that all laws pertaining to the govern-

Idem.

ment of said city, and all ordinances and resolutions of the common council, be faithfully observed and executed, and he shall have power, and it shall be his duty to report to the common council any violations thereof. He shall, from time to time, give to the common council such information, and recommend such measures as he shall deem necessary and expedient.

May take
acknowledg-
ment of deeds,
etc.

SEC. 18. The mayor of said city shall, by virtue of his office, be authorized to take the acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, and do all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

Recorder to be
clerk of council.

SEC. 19. The recorder of said city shall be the clerk of the common council, and shall give a bond for the faithful performance of his official duties in such sum as the common council shall by ordinance direct, and shall keep a record of the proceedings of the common council in a book provided him therefor, and shall keep the books of accounts and such other books of receipts and expenditures of said city as the common council may direct, and in such form and manner as the common council may order, and immedi-

Deputy recorder,
duties of, etc.

ately upon entering upon the duties of the office of recorder shall appoint a deputy, who shall take and subscribe the oath of office, which oath, together with such appointment, shall be filed with the recorder, and in case of the absence, sickness, death or other disability of the recorder, such deputy shall perform the duty of recorder, and shall receive the same compensation as the recorder would have been entitled to receive therefor.

Further duties
of recorder,
compensation,
etc.

SEC. 20. The recorder of said city shall also perform for the said city all such duties as township clerks are required by law to perform, for the several townships in this State, and for such services he shall receive the same compensation as such township clerks are entitled to receive under the laws of this State, except as herein otherwise provided.

Official bonds
deposited with.

SEC. 21. All official bonds of the officers of said city, except as herein otherwise provided, shall be deposited with the recorder for safe keeping, and it shall be his duty to deliver them to his successor in office.

To perform
duties of mayor.

SEC. 22. The recorder shall possess the same powers and perform and discharge the duties of mayor during the absence, inability, death, or removal of the mayor, except as herein otherwise provided.

Aldermen to
attend meetings
of council.

SEC. 23. It shall be the duty of each alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereupon appointed by the mayor, presiding officer, or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, to maintain peace and good order, and to perform all other duties required of them by this act. Each alderman in said city shall be a conservator of the peace.

To report subor-
dinate officers.

SEC. 24. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his official duties as the common council shall direct and require; he shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service; to see that all by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all orders of the mayor or common council, and may command the aid and assistance of all constables, and all other persons, in discharge of the duties imposed upon him by law; he may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of said city, as sheriffs and constables have by law to execute similar process, and shall be entitled to the same compensation therefor. It shall also be the duty of the marshal of said city to prevent and remove all obstructions from the streets, sidewalks, and alleys in said city, and to repair all sidewalks in said city in pursuance of the ordinances of the common council.

Marshal to give security.

To be chief of police, etc.

To see that laws are enforced.

May appoint deputies.

Powers and duties of.

To prevent and remove obstructions, etc.

SEC. 25. It shall be the duty of each company organized to prevent and extinguish fires in said city to keep in good order and repair its fire engine, hose, ladders, and other implements, and to assemble at least once in each month for the purpose of working its fire engine and examining its hose and other implements; and upon any alarm or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire with its fire engine and other implements, and be subject to the orders of the chief engineer of the fire department.

Fire companies, duties of, etc.

SEC. 26. Upon the breaking out of any fire in said city it shall be the duty of the marshal and his deputies to immediately repair to the place of such fire, and use their best endeavors to prevent any goods or property from being stolen or injured, and in protecting, removing and securing the same; for which purpose, and as chief of police, he may require the assistance of a sufficient number of bystanders.

Duty of marshal and deputies at fires.

SEC. 27. The common council of said city shall be the board of health thereof, and it shall have power, and it shall be its duty as such board of health, to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of said city; and as such board of health it shall be its duty to adopt such measures as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases.

Common council shall constitute the board of health.

To adopt measures for protection of public health, etc.

SEC. 28. The common council of said city shall examine, settle, and allow all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same and for defraying the contingent expenses of said city, subject only to the limitations and restrictions in this act contained.

To examine and settle accounts.

To levy and assess taxes.

Taxes a lien.

Amount of tax limited.

Proviso—further tax.

Interest fund, how appropriated.

Highway and street tax.

Limit of.

Assessment and collection of.

Council to determine amount of taxes to be raised each year.

Recorder to certify same to county clerk.

Clerk to place before board of supervisors.

Recorder to spread upon assessment roll.

Bridges to be built and kept in repair by city.

Bridge tax, manner of collecting.

SEC. 29. The common council of said city shall have authority to assess, levy, and collect taxes on all real and personal estate taxable in said city; which taxes shall be assessed, levied, and collected in the same manner which is provided by law for the assessment, levy, and collection of taxes in the several townships of this State. And said taxes shall be and remain a lien upon the property so taxed, in the same manner and to the same extent as taxes levied and assessed under the general laws of this State. And for the purpose of defraying the expenses of the city, the common council shall raise annually, by tax upon the real and personal property within said city, such sums as it may deem necessary, not exceeding, exclusive of the school taxes, one per cent on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof from the assessment rolls of the year preceding the levy of such tax: *Provided*, That the said common council shall have power to levy, assess, and cause to be collected upon the real and personal estate aforesaid, in addition to the one per cent aforesaid, a tax not exceeding the sum of one per cent upon the valuation aforesaid, for the purpose of paying the interest upon the bonded debt of said city, and such tax, raised for such purpose, shall constitute a special fund called the interest fund, and shall not be used or appropriated for any purpose except for the purpose for which it was raised as aforesaid, or for the purpose of paying the principal of the bonded debt of said city. And the said common council, in addition to the taxes above mentioned, may assess, levy, and cause to be collected in each ward in said city, such amount of taxes for street or highway purposes as it may deem necessary, not exceeding in amount one-fourth of one per cent on such valuation as aforesaid. All the taxes levied and assessed in said city in pursuance of this section shall be assessed and collected upon the general assessment and tax rolls of the several wards in said city. The common council of said city, at their first regular meeting, in September, in each year, shall determine the amount of each of the several taxes provided for in this section, which determination shall be certified by the recorder of said city, and delivered to the county clerk of the county of Mecosta, before the next annual meeting of the board of supervisors of said county thereafter. It shall be the duty of the county clerk of said county to place the amount so certified by the said recorder, as aforesaid, before the said board of supervisors at said annual meeting. And it shall be the duty of said board of supervisors to direct the amount of such taxes so certified by the said recorder to be spread upon the assessment rolls of the several wards of said city, in pursuance of the manner provided by the general laws of this State. But all taxes levied and assessed as aforesaid for highway or street purposes shall be passed to the credit of, and expended in the ward in which they may have been levied and assessed. All bridges over Mitchell creek within the limits of said city, shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby authorized to levy, assess, and collect, in the manner above provided for the levy,

assessment, and collection of other taxes, a sufficient amount of tax annually, upon the taxable property in said city, for that purpose, which tax shall be known and designated as bridge tax, and shall be used for no other purpose. Appropriation of

SEC. 30. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school tax, than the amounts specified and limited in the preceding section, they may call a meeting, of the tax-paying electors of said city by giving at least five days' notice in writing, to be posted up in two public places in each ward in said city, which notice shall state the time and place of said meeting, and the purpose for which the money to be raised is to be expended, and when such meeting shall be assembled in pursuance of such notice, such electors, by a *viva voce* vote, shall determine what amount of money shall be raised for each object specified in the notice: *Provided*, That such tax so voted by such electors shall not in any one year exceed two per cent of the valuation of the real and personal estate taxable in said city: *And provided also*, That not more than two such meetings shall be called or holden in any one year; and at all such meetings the mayor, or, in his absence, any member of the common council present at such meeting, shall preside, and the recorder shall make a copy and record of the proceedings of such meeting. Extra tax, manner of raising.
Meeting of tax-paying electors.
Vote.
Provide—limit of tax.
Provide—limit of meetings.

SEC. 31. Whenever the common council shall be authorized as aforesaid, by a vote of the tax-paying electors of said city, to raise a tax for specific or other purposes, it shall be lawful for the common council to apportion said tax to the several wards of said city in such proportion as may seem just. The recorder shall certify to the supervisor of each ward the amount of such tax apportioned to his ward, and the purpose for which it is proposed to be raised. The supervisor of each ward shall levy the same upon the taxable property of his ward, at the same time and in the same manner as State and county taxes are levied, placing the tax in a separate column or otherwise, as the general laws of the State may require: *Provided*, That if from any cause said tax, or any portion thereof, shall not be levied the same year it was authorized as aforesaid, it may be levied and collected the succeeding year. Apportionment of such taxes to the several wards.
Certificate of amount.
Manner of levying.
Provide.

SEC. 32. Each supervisor of said city shall in each and every year make and complete the assessment of all real and personal property within his ward, in the same manner and within the same time as is required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the actions of supervisors of the several townships of this State performing like services, except as otherwise provided in this act; and all State, county, and school taxes in said city, and all city taxes which shall be raised by general or special tax, shall be levied and collected, as near as may be, within the same time and in the same manner as is provided by law for the assessment and collection of taxes by township officers, unless otherwise provided in this act. Duties of supervisors relative to assessments.
State, county, and school taxes, etc., manner of collecting.

SEC. 33. The several supervisors in said city shall, within the

Supervisors' shall deliver tax rolls to treasurer.	time within which supervisors of townships are required to perform like acts, deliver to the city treasurer their several tax rolls, the taxes therein extended, with the usual supervisor's warrant to the treasurer attached to each, directed to the treasurer of the city of Big Rapids; and the said treasurer shall, in the collection of such taxes, possess all the powers of a township treasurer, and shall proceed in the collection of such taxes in the same manner in all respects as is required by law of treasurers of townships, and may sue for taxes in all cases and in all courts of competent jurisdiction, and in the same manner that township treasurers may bring suit under the general tax laws of this State as such laws now are or may hereafter be amended.
Treasurer, powers of.	
Manner of collecting taxes.	
Unpaid taxes, manner of collecting.	SEC. 34. It shall be the duty of the treasurer of said city, immediately after the second Saturday in January in each year, to proceed to collect the taxes unpaid therein and make return thereof in like manner as is required of township treasurers, and with like effect; it shall also be the duty of the treasurer to collect all highway or street taxes, capitation or poll taxes, and all special taxes assessed in said city. It shall also be the duty of said treasurer to collect all moneys due said city for licenses, and from all other sources. And said treasurer may appoint a deputy with the same powers as himself, and for whose official acts the treasurer shall be responsible.
Highway and poll taxes, etc., collection of.	
Deputy treasurer, powers and duties of.	
Official bond of treasurer.	SEC. 35. The treasurer of said city shall, before entering upon the duties of his office, file with the recorder his bond for the faithful performance of his duties as such treasurer, in such amount and with such sureties as the common council shall require and approve; and such treasurer shall give to the treasurer of the county of Mecosta such other security as is now or may hereafter be required by law of the treasurers in the several townships of this State; and for the purpose of the return of all property delinquent for the non-payment of taxes, the treasurer shall possess all the powers and perform all the duties of the several township treasurers of this State as prescribed by law.
Further security.	
Powers of.	
To keep account of receipts and expenditures.	SEC. 36. The treasurer shall keep a regular account of all money received and of all money disbursed by him, in books to be provided for that purpose, in which the name of every person to whom money shall be paid shall be entered at length, and on what account the same is paid, which book shall at all reasonable hours be open to the inspection of any inhabitant of said city. All money received for the use of the city shall be paid into the city treasury, and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council for the purpose for which it shall be drawn, and the treasurer shall pay out no money but upon the written warrant of the mayor and recorder; the treasurer shall also make out a statement of the accounts of said city and of the different funds, and attend the meetings of the common council with his books whenever the said common council shall direct him to do so: <i>Provided</i> , That he shall make and deliver to the council of said city, on the first day of each of the months of October and March, in each year, a full
Money, how drawn from treasury.	
Statement of accounts.	
Previso—shall report to council.	

report of the condition of the finances of said city, and of the different funds in his hands, whether directed to do so by the said common council or not.

SEC. 37. The common council of said city shall have power to regulate the time and manner of working upon the streets, lanes, and alleys in said city, to provide for the grading, paving, planking, and railing of all streets, lanes, and alleys, sidewalks and crosswalks, and to prescribe the width thereof; to open and lay out all streets, lanes, and alleys, parks and public grounds, and the same to alter and vacate, and to alter and vacate those already laid out; to cause sewers, drains, and vaults, arches and bridges, wells, pumps, and reservoirs to be built in any part of said city; to cause the grading, leveling, and repairing of all streets and alleys, sidewalks, crosswalks, parks, and public grounds in said city, and to prevent the obstruction or incumbering thereof, and to remove any obstruction or encumbrance of the same.

Council to regulate time of working on streets.

Opening, etc., of streets.

Building of sewers, etc.

To grade streets. Remove obstructions.

SEC. 38. The common council of said city shall have full power and authority to lay out, alter, straighten, widen, and improve any and all highways, streets, lanes, alleys, and water-courses in said city. Whenever the land of any person is required for such purpose, the city may acquire the same as follows: The common council shall pass an ordinance describing the improvements to be made, and the street, highway, alley, or leave [lane] to be laid out, altered, straightened or widened, and shall describe the lands to be taken and the names of the owners if known; and such ordinance shall be posted in three public places in said city, for two weeks, and shall be published once a week in some newspaper published in said city for two successive weeks; and the said common council may in the meantime negotiate with the owners, or any of them, for the purchase of such lands; if the common council and the owners of such lands, or any of them, cannot agree on the terms of purchase, or if such owners are non-residents or are absent from said city, the common council may then, at any time within six weeks after the passage of said ordinance, direct the city attorney to apply to any justice of the peace of said city for a jury of twelve disinterested freeholders, to inquire into and determine the necessity for using such land, and the just compensation to be paid therefor; notice of the time and place of applying for such jury shall be served on such owners of lands as follows: the recorder of said city or his deputy shall draw up a notice which shall briefly state the improvement contemplated, and the description of the lands to be taken, and the time and place where the city will apply for such jury; such notice shall be addressed to the owners of such lands, or so many of them as may be known, and shall be signed by the said recorder or his deputy under the seal of the city; it shall be delivered to the marshal or any constable of said city, and on receipt of the same the said marshal or constable shall proceed to serve it on each of the said owners by giving to each of said owners a copy of said notice and exhibiting the original, if such owners can be found within the county of Mecosta, at least ten days before the day of applying for such jury. If any of such

Power to lay out, straighten, widen and improve streets.

Proceedings when private property is required.

Ordinance.

Publication of.

Council may negotiate for lands.

Proceedings when parties disagree.

Application for jury.

Notice of.

How served.

owners are residents and cannot be found, such notice may be served by leaving a copy thereof at the residence of such owner, at least twenty days before the day of applying for such jury, such notice to be left with some competent person; or if such residence is unoccupied, then to be posted upon the front door or other conspicuous place of such residence. If any of such owners are non-residents of said county and cannot be found, then such notice may be served on such non-residents by publishing the same in some newspaper printed and circulated in said county for four successive weeks, once in each week, immediately preceding the day of applying for such jury, and by mailing a copy of such notice, postage prepaid, to each of said non-resident owners at his place of residence, to be ascertained according to the best information which such officer, serving such notice can obtain; and such officer shall file said original notice with a return of his doings thereon with the justice before whom such application is made, on or before the day of applying for such jury; and such returns shall have the same effect as evidence as the return of constables in civil cases before justices of the peace, for the purpose of conferring jurisdiction on such justices of the peace in the further progress of the proceedings; and if such officer neglects or fails to return such notice with his doings thereon, the justice may issue an attachment against such officer to compel him to return the same, and for the purpose of exercising jurisdiction, such justice shall have all the powers now or hereafter possessed by justices of the peace in civil cases.

Service on non-residents. **Filing of notice and return.** **Return, as evidence in court.** **Power of justice in case officer fails to make return.** **Summoning jury.** **Oath of officer summoning jury.** **Striking of jury.** **Issue of venire.** **Service of venire.**

SEC. 39. At the time and place appointed for applying for such jury, or any other day to which the same may be adjourned by any justice, if such notice is not on file or returned by the officer serving the same as aforesaid, the city may appear by its attorney or its authorized agent, and such owners may appear in person or by their attorneys or agents, and the justice shall direct the marshal of said city or any constable thereof to make a list of twenty-four freeholders of said city, competent to serve as jurors in courts of record; said marshal or constable shall first be duly sworn by the justice to select said freeholders fairly and impartially, according to the best of his knowledge and ability, and without favor to either party; and the city and said owners who appear, or any of them, may strike out each six names. In case the parties are unable to agree as to the manner of striking said jury, or if said owners shall be unable to agree as to which of the names shall be stricken from said list, or if such owners shall fail to appear, or if either party shall fail or neglect to strike such names, then the justice may strike such names for the parties, and shall immediately thereafter issue his *venire* directed to the marshal or any constable of said city commanding him to summon the twelve freeholders remaining on said list at a time and place mentioned in said *venire*, not less than three days nor more than six days from the time of issuing the same; said *venire* shall be served by said officer on each of said jurors if they can be found within said county, at least two days before the return day thereof, by reading the same to each juror.

SEC. 40. On the return of such *venire*, if all of said jurors do not attend or are not personally served, then the justice may direct the marshal or constable to summon talesmen sufficient to form a jury of twelve freeholders, having the qualifications of jurors in courts of record; and said city or any of said owners present may challenge any of said jurors for cause, as in civil cases in the circuit courts, which right of challenge is hereby given. After such jury is complete, they shall be duly sworn by said justice to faithfully and impartially to inquire into the necessity for taking and using said land, and to determine the just compensation to be paid therefor; and having viewed the premises, shall inquire into and assess such damages and recompense as they judge fit to be awarded to the owner or owners or the parties interested in such lands for their respective injuries, according to the several estates or interests therein, and shall state whether the compensation is for the use of such land or for the fee of the same. But if such owners or any of them are benefited by such improvements, then such benefits shall be taken into consideration and be deducted from the damages by such jury. Said verdict shall be reduced to writing and shall be signed by said jurors, and be filed in the minutes of the proceedings; upon the rendition of such verdict the justice shall enter judgment in his docket confirming the same; such judgment shall recite the notice issued to said owners with the return of the officer thereon, the appearance of the parties and their names, the names of the jurors, the verdict of the jury, and such other matters as the justice may think proper to record, and also such other matters as may occur in the progress of the proceedings; which judgment shall be signed by such justice, and said record and a transcript therefrom, certified in the manner that other justices' judgments are certified, by the justice having possession of said docket, shall be received as evidence in all courts and places, and shall have the same effect as evidence as any judgment entered by justices of the peace in civil cases. It shall be the duty of the recorder, within sixty days thereafter, if no appeal has been taken, to procure and transcribe such judgment, certified in the same manner as justices' judgments are certified, and cause the same to be recorded in the records of said city, and also in the office of the register of deeds of said county, in the book of miscellaneous records; but if an appeal or *certiorari* is taken, such transcript shall not be recorded until such appeal or *certiorari* is determined in favor of said city.

Return of *venire*.Summoning
talesmen.Challenge of
jurors.

Oath of jurors.

Assessment of
damages.Benefits to be
considered.

Verdict of jury.

Judgment to be
entered in dock-
et.Justice shall
sign judgment.Judgment as
evidence in
court.Duty of recorder
relative to judg-
ment.Right of owners
to appeal.

Notice of.

Shall be signed
by owners, etc.

SEC. 41. Said owners or any of them, if not satisfied with the amount of damages, may remove said proceedings by appeal to the circuit court for the county of Mecosta, by giving written notice to the recorder or his deputy, within forty days after the rendition of said verdict. Such notice shall be addressed to the common council of the city of Big Rapids, and shall briefly state that such owner or owners feel aggrieved at the amount of damages awarded them by said jury, and that they appeal therefrom to the circuit court for the county of Mecosta; and such notice shall be signed by such owner or owners, or by his or their attorney, and within ten days after the receipt of such notice said justice shall

Justice to make return of proceedings to circuit court.

Court to order jury drawn.

Judgment shall be rendered on verdict.

Costs.

Power of court relative to costs.

What damages inquired into.

City may use lands of owners who have not appealed, etc.

Payment of damages.

Disposition of moneys uncalled for, etc.

Street commissioner, duties, of, etc.

Official bonds.

Compensation of.

Sidewalks, to repair, etc.

Council to assess expenses on property benefited.

Idem.

make a return to said circuit court of the proceedings had before him as they appear on his docket; and said circuit court shall, at the next term, order a jury to be drawn from the jurors summoned to attend at said term, who shall be empaneled and sworn to try said appeal, and judgment shall be rendered in said circuit court upon their verdict, and the said circuit court shall have power to impose such costs upon either party as it may deem reasonable under the circumstances; and such circuit court shall have power and jurisdiction forthwith or at any time thereafter to tax said costs, and render judgment therefor. On the trial of said cause in the circuit court, the damages of none of such owners shall be inquired into except those who have appealed. And said city may acquire and use the lands of such owners as have not appealed from the award of such jury, during the pendency of such appeal. The sum or sums assessed as damages as aforesaid, by such jury, shall be paid or tendered to such owner or owners, before such street, highway, lane, or alley shall be laid out, altered, or opened; and if such owners are non-residents, or neglect or refuse to call for or receive the money to which they may be entitled, such money shall be deposited with the city treasurer, who shall hold the same subject to the order of such owner or owners, his or their personal representatives, heirs, or assigns; it shall thereupon be lawful for said common council to cause such land to be occupied for the purpose aforesaid.

SEC. 42. The street commissioner of said city shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening, of all streets, lanes, alleys, sidewalks, crosswalks, or other public grounds, in such manner as he may be from time to time directed by the common council. He shall give bonds in such sums and with such sureties as the common council may prescribe or direct, conditioned for the faithful performance of his duties as such street commissioner; and such street commissioner shall receive as compensation for his services such sum as the common council may direct and allow, not exceeding the sum of four dollars per day. But the common council may authorize the marshal to repair all sidewalks and crosswalks in said city.

SEC. 43. The common council shall have power to cause the expense of making, grading, paving, and opening of streets, lanes, alleys, parks, public grounds, and other local improvements, to be assessed in whole or in part against the owners of lots and premises to be benefited thereby, or by general tax in whole or in part, as they may deem just and proper.

SEC. 44. Whenever the common council of said city shall determine that the whole or any part of the expenses of any public improvement, not requiring the taking of any land by the city, shall be defrayed by an assessment on the owners of houses and lands to be benefited thereby, they shall ascertain as they may think proper, the estimated expense of such improvement done or to be done, and shall declare, by an entry in their minutes, whether the whole or what portion thereof shall be assessed to such owners, specify-

ing the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; and the costs and expenses of making the plans and assessments incidental thereto shall be included in the estimated expenses of such improvements.

SEC. 45. The common council, or a committee appointed by them for that purpose, consisting of not less than three freeholders of said city, and not interested in any of the property so benefited, shall thereupon make an assessment upon all the owners of lands and houses within the portion or part of the city so designated, of the amount of the expense aforesaid, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by such improvements, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, and the amount assessed to each of them respectively; and in case such lots or parts of lots shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with a description of such lots or premises as is required by law in assessment rolls made by supervisors of townships, with the value thereof, and the amount assessed therein, which assessment roll shall then be returned and filed with the recorder of said city.

Manner of making assessment.

SEC. 46. Upon such return being made and filed, the recorder of said city shall cause notice thereof to be published once a week in at least one newspaper published in said city, for two weeks in succession, stating the names of the persons assessed, or, in case of non-residents and owners whose names are unknown, a brief description of the premises taxed shall be inserted, and that at a certain time and place, to be designated in said notice, the common council will meet and review said assessment roll on the request of any person conceiving himself aggrieved.

Notice of return of assessment roll and of time of review.

SEC. 47. The common council shall, at the time and place in said notice specified, or at some session thereafter, take said assessment into consideration, and may rectify or amend said assessment roll in whole or in part, or may set the same aside and direct a new assessment, without any corrections, or with such corrections therein as they may think proper; and when such assessment roll shall be completed, and ratified and confirmed by the council, the recorder shall endorse thereon or annex thereto his certificate that such assessment roll was ratified and confirmed by the common council, and the date of such confirmation.

Review of assessment roll.

Recorder to annex certificate.

SEC. 48. Every assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been ratified and confirmed, the mayor and recorder, or either of them, shall affix to such assessment and tax roll a warrant for the collection thereof, signed by them, or either of them, under the seal of said city, which warrant shall be directed to the treasurer of said city, commanding him to collect the same within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date of said warrant; and the said assessment and

Assessment to remain lien on property.

Treasurer ordered to collect.

When roll shall be delivered.	tax roll with said warrant annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall, within the time mentioned in said warrant, or within such further time as the common council shall allow, be authorized to levy and collect the same by distress and sale of the personal estate of the person owning the premises so assessed, and for want thereof, the real estate so assessed, returning the surplus if any, after deducting the amount taxed, together with interest, costs, and charges of sale, to the person against whose property such tax shall have been assessed. But
Distress and sale.	in case of lands, tenements, and hereditaments owned by non-residents, no demand of payment of taxes assessed thereon, of such owners, shall be necessary prior to a levy and sale thereof, or prior to the levy and sale of the property of such non-residents: <i>Provided</i> ,
Surplus to be returned to owner of property.	That whenever any real estate shall be sold by said treasurer, notice thereof shall be published once a week in some newspaper published in said city, at least six consecutive weeks immediately preceding the time of such sale; such notice shall state the amount of such tax, together with the description of the premises to be sold, and the name of the owner thereof if known. And said treasurer
In case of non-residents, no demand necessary prior to sale.	shall be allowed to collect, in addition to the amount so assessed, such costs for publication as are now allowed by law for publishing notices of tax sales in the several counties of this State; and such other costs and charges as are now allowed by law to township treasurers in case of distress and sale of personal property. The
Proviso—notice of sale of real estate.	treasurer, on such sale, shall give to the purchaser or purchasers of any such land, a certificate in writing describing the land so purchased, the amount paid, and the time when the purchaser thereof will be entitled to a deed for said land; and if the said lands are
Costs for publication, etc.	not, within one year from the date of such sale, redeemed by the payment to the treasurer of said city for the use of the purchaser, his heirs or assigns, of the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent per annum from the date of such certificate, the treasurer or his successor in office shall,
Certificate of sale.	at the expiration of said year, execute to the purchaser or purchasers, his or their heirs or assigns, a conveyance of the land so sold, and the said conveyance shall be <i>prima facie</i> evidence that
Redemption.	the sale and all the proceedings therein prior to such sale were regular; and every such conveyance executed by said treasurer under his hand and seal, acknowledged and recorded, may be given in evidence in the same manner as a deed of conveyance regularly
Conveyance.	executed, acknowledged, and recorded. Every sale of both real and personal estate made under and by virtue of this act shall be at
Property to be sold at auction.	public auction at some public place within said city, to be specified in the notice of sale, and shall take place between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and the
Hours of sale.	land or other property so sold shall be struck off to the highest bidder, and all personal estate sold upon said tax sale shall be upon
Notice of sale of personal estate.	a notice of not less than six days, which notice shall be posted up in three or more public places within said city, and at every sale
At every sale city may become a purchaser.	made under the provisions of this section the said city may become

a purchaser, subject to all the liabilities and obligations of other purchasers.

SEC. 49. The common council of said city shall have power to make all such by-laws and ordinances relative to any special assessment or tax in said city as they may deem necessary to levy and collect such tax, in all cases when the manner of levying and collecting such tax is not provided for in this act: *Provided*, That such by-laws and ordinances are not inconsistent with any of the provisions of this act: *And provided also*, That whenever any person shall be improperly designated as the owner of any lot or premises, in proceedings under this act, or any of the by-laws or ordinances of said city relative to any special assessment, such tax or assessment shall not for that cause be vitiated, but the same shall be a lien upon such lot or premises, and shall be collected as in other cases.

Special assessments.

Proviso.

Further proviso.

SEC. 50. The net proceeds of the sales of all property delinquent for the non-payment of city taxes, and of all sums paid to the county treasurer before sale, on account of property returned delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Mecosta, whenever required by said city treasurer.

Proceeds of sale to be paid to treasurer.

SEC. 51. The common council shall have authority to make all by-laws and ordinances relative to the calling of the meetings of electors of said city for all purposes; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to regulate the setting of awning and other posts and shade-trees in the streets, and to compel the removal of those which are improperly placed therein, and to make all other by-laws, ordinances, and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for the safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof; and to this end, the common council may impose fines and penalties for the violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding three months.

Council may pass laws relative to fines.

Setting of posts, trees, etc.

Government, health, etc., of city.

Fines and penalties.

Proviso.

SEC. 52. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace of said city shall, before entering upon the duties of his office, execute a bond to the city of Big Rapids, in its corporate name, with sureties to be approved by the common council, in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties as a justice of the peace for said city, and to pay over all moneys so collected or paid to him as such, which bond shall be filed in the office of the recorder of said city.

Justices to give bonds to city.

SEC. 53. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city, in the corporate name of the city, before any justice of the peace of said city; and whenever any fine shall be imposed by any justice of the

Fines, how collected.

- peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city or any constable, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with the interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law, and the defendant shall remain imprisoned until the execution, with the fees of the sheriff, shall be paid: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.
- Proviso.** SEC. 54. In all suits in which the city of Big Rapids shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror on account of his being a resident of said city.
- Right of trial by jury.** SEC. 55. In all trials before any justice of the peace of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justices' court to the circuit court for the county of Mecosta shall be allowed, in the same manner as is provided for appeals from justices' courts to the circuit court by the general law of this State.
- Manner of conducting trials.**
- Right of appeal.**
- Poll tax.** SEC. 56. The common council shall have power to assess and cause to be collected from every male inhabitant of said city over twenty-one years of age, not exempt by the laws of this State, an annual capitation or poll tax, not exceeding one dollar, and may provide by ordinance for the collection of the same.
- Council to perform same duties as township boards.** SEC. 57. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district, and county elections; and the supervisor, justices of the peace, recorder, school inspectors, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties, and receive the same pay, and in the same manner, and be subject to the liabilities as provided for by the corresponding township officers, except as otherwise provided in this act.
- Oath of office and bond.**
- Council may pull down dangerous buildings, etc.** SEC. 58. Whenever in the opinion of the common council any building, wall, fence, or other erection of any kind, or any part thereof, is dangerous to property or persons, or is liable to fall down, they may order any owner or occupant of the premises upon which such building, wall, fence, or other erection stands, to take down the same or any part thereof within a time to be fixed
- May order owner or occupant to pull down buildings, etc.**

by the order, and in case such order is not complied with by such owner or occupant, may cause the same to be taken down at the expense of the city, and assess the expense of taking the same down on the land upon which it stood; and the common council may provide by ordinance for the punishment of such owner or occupant by fine or imprisonment, or both, in the discretion of the court before which the cause is tried, for the violation of such order, and also for the sale of the premises for the costs and expenses of removing such building, wall, fence, or other erection.

Punishment for refusal.

SEC. 59. The chairman of any committee or special committee of the common council shall have power to administer oaths, or take affidavits, or issue subpoenas to procure the attendance of witnesses, in respect to any matter pending before the common council or such committee, and may compel the attendance of any person as a witness for that purpose; and said common council may provide by ordinance for the punishment of any person who, being duly subpoenaed, shall refuse or neglect to appear in pursuance of such subpoena.

Chairman of any committee of council may administer oaths, etc.

SEC. 60. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and certified copy with the mayor, recorder, or city attorney of said city, at least ten days before the day of appearance therein mentioned.

How process against city shall run.

SEC. 61. No bond or other obligation or evidence of indebtedness of said city shall be given or issued by said city, nor by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money except as expressly provided in this act; but the common council shall audit and allow such amounts as shall be just and right on all bills and accounts presented to said common council for the current expenses of said city. Whenever any such claim as aforesaid shall have been audited and allowed, the mayor or recorder shall draw an order upon the city treasurer for the amount so allowed, which order may be payable either upon a day therein specified or upon demand; and shall be delivered to the person to whom it is payable, or to his agent or attorney; and if upon presentation to the treasurer there shall not be sufficient funds in his hands to pay the same, he shall endorse across the face thereof with ink, his name, together with his official title and the date of such presentation; and such order shall then draw interest at the rate of seven per centum per annum from the date of such endorsement till it shall be paid; which interest shall be paid at the same time the principal sum named in such order is paid. To appropriate money, or to fix or change the salary of any city officer, or to authorize the issuing of an order for the payment of any claim, bill, or account audited by the common council, a majority vote of all the aldermen elect, or four aldermen and the mayor (the mayor only voting in case of a tie), shall be necessary.

How obligations, etc., shall be issued.

Council to audit and allow accounts.

Mayor or recorder to draw order for amounts allowed.

Appropriations, etc., require majority vote of council.

SEC. 62. Compensation for services may be paid out of the city treasury as follows: the recorder of said city shall be entitled to receive such sum as the common council shall allow, not exceeding

Compensation of city officers.

five hundred dollars per annum. The city attorney shall be entitled to receive such sum as shall be fixed by the common council, not exceeding four hundred dollars, until after said city shall contain over five thousand inhabitants, when said compensation may be any sum deemed reasonable, not exceeding six hundred dollars. The marshal shall be entitled to receive the same fees for serving processes in behalf of the corporation as constables are by law allowed for similar services, and he shall receive such further compensation as the common council shall allow, not exceeding one thousand dollars per annum. Justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided. School inspectors shall receive the same pay they are entitled to receive in townships; and the compensation of the mayor and aldermen as such, for attending the meetings of the common council, shall be no more than one dollar per annum. The common council of said city may fix the compensation of the treasurer at any sum by them deemed reasonable, not exceeding one thousand dollars per annum.

Annual statement, contents of.

SEC. 63. The common council shall, in the month of March in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received; and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which the appropriation was made; such statement shall be signed by the mayor and recorder, and recorded in the records of the common council, and filed in the recorder's office; a copy thereof shall be published in a newspaper printed in the city once a week for at least two weeks in succession.

Council may require owners, etc., of lands to construct sidewalks, etc.

SEC. 64. The common council shall also have full power to require, by resolution or ordinance, the owners or occupants of lands at their own expense, to repair, construct, make, pave, plank, or gravel, and curb and rail all sidewalks adjoining said land, within such reasonable time as they may direct, notice of which action shall be given to the owners or occupants of such lands, in such manner as they shall direct. And if the same are not completed within the time so ordered, it shall be lawful for the common council to cause the same to be constructed forthwith; and the said common council shall have full power and authority to provide by said ordinance or resolution for collecting the costs and expenses thereof by assessment, in such manner as shall be prescribed by said ordinance or resolution, which assessment shall be a lien until paid, on the lot, lots, or premises on which the same are assessed.

This act a public act.

SEC. 65. This act shall be deemed to be and be a public act, and shall be favorably construed by all courts.

Acts repealed.

SEC. 66. All of act number four hundred and fifty-nine of the session laws of eighteen hundred and sixty-nine, and all acts amend-

atory thereto, that relate to the incorporation of the city of Big Rapids, are hereby repealed.

SEC. 67. This act shall take immediate effect.

Approved March 19, 1875.

[No. 273.]

AN ACT to incorporate the village of Red Jacket, in Calumet township, Houghton county.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries.
all that tract of country situate in the township of Calumet, in the county of Houghton, and described as the west half of the south half of the southeast quarter of the northeast quarter, and the south half of the southwest quarter of the northeast quarter, and the northwest quarter of the southeast quarter, and the north half of the southwest quarter of the southeast quarter of section fourteen, in township fifty-six north, of range thirty-three west, being the same territory embraced in the recorded plat of the village of Red Jacket, be and the same is hereby constituted a village corporate, under the name and title of the village of Red Jacket. Corporate name.

SEC. 2. The first election under this act shall be held at Firemen's Hall, in said village, on the tenth day of April, in the year of our Lord eighteen hundred and seventy-five, and George Wertin, Henry Northey, and Daniel D. Murphy, shall constitute the board of inspectors of said election, and they shall also constitute a board of registration for the purpose of said election, and they shall, on the Saturday next preceding said election, hold a session as such board, and shall register the names of such persons as may present themselves before them for registration, (provided that such persons shall have the constitutional qualifications of electors, and be residents of said village), in a book to be provided by said board for that purpose. A notice shall be given of said registration by posting said notice in three public places in said village, at least five days immediately preceding the day of registration, and such notice shall set forth the time when and the place where said registration shall be held, and shall be signed by at least one of said board. Each member of said board shall, before entering upon the duties of his office, take and subscribe the constitutional oath before some officer authorized to administer oaths generally. No person whose name shall not appear on the registration book of said village shall be allowed to vote at said first election. The board of inspectors of said election shall give notice thereof, at least ten days previous to the day appointed by this act for holding such election, by posting up in three conspicuous places in said village, the time and place of such election and the officers to be elected thereat, and such notice shall be signed by one or more of the inspectors: *Provided, That should any of the persons designated as such board of inspectors, neglect or refuse, or be unable to act on such board, it shall be lawful for the electors present at the polls to select from among themselves by a viva* First election, when and where held.
Board of inspectors and registration.
Notice of registration.
Oath.
Notice of election.
 proviso—filling of vacancies on board.

Proviso.	<i>voce</i> vote, such number as may be necessary to fill the vacancy or vacancies arising from such neglect, refusal, or inability to attend: <i>Provided further</i> , That any member of the board of registration provided for in this section, shall have power to appoint one or more electors of said village to fill any vacancy arising from any cause whatsoever among themselves. The polls of such election shall be open between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon, and the inspectors shall cause proclamation to be made at the opening of the polls, and fifteen minutes before the closing of the same, and each of the inspectors shall be sworn in according to the form of the statute, by some officer authorized to administer oaths generally. The electors present shall then proceed to elect by ballot, from among the qualified electors residing within the limits of said village, the following officers, to-wit: One president, one recorder, one treasurer, one attorney, one marshal, six trustees, and two assessors. Immediately after the closing of the polls the inspectors of election shall proceed to count the votes and determine the result of election, in the same manner as hereinafter provided by this act for the inspectors of election to do in like cases.
Opening and closing of polls.	
Oath of inspectors.	
Election of officers.	
Canvass of votes.	
Annual elections.	SEC. 3. The first annual election shall be held on the first Tuesday in September next, and on the first Tuesday in September of each year thereafter, and at all such elections the president, recorder, and one of the trustees, to be designated by the president and recorder, shall constitute the board of inspectors of election; should any of the inspectors happen to be absent at the opening of the polls, the electors present shall, by a <i>viva voce</i> vote, designate any of the residents of said village, who may be a legal voter at such election, to fill the vacancy; the name of each elector voting at such election shall be written in a poll list to be kept at such election by the inspectors of election; the polls of the election shall be open between nine and ten o'clock in the forenoon, and shall close at four o'clock in the afternoon; after the close of the polls, the inspectors of election shall proceed without delay, publicly, to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll-list, one of the inspectors of election shall draw out and destroy, unopened, so many ballots as shall amount to the excess, and if two or more ballots shall be found rolled or folded up together they shall not be counted; and thereupon the inspectors shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate the same day or the next day; and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village within twenty-four hours after the close of said canvass, and the person having the greatest number of votes shall be declared elected: <i>Provided</i> , That if it shall happen that two or more persons shall have an equal number of votes for the same office, the president, in presence of the board of inspectors, shall then determine the election between the persons who have received an equal number of votes by casting lots upon their names.
Board of inspectors.	
Filling of vacancies on board.	
Poll list.	
Opening and closing of polls.	
Canvass of votes.	
Determination.	
Proviso—the lot determined by	

SEC. 4. After the first election, and at all subsequent elections to be holden under the provisions of this act, the president, recorder, and one or more of the trustees of said village shall be a board of registration, and they shall give at least five days' notice, by posting up in three public places in said village, of the place where, and the time when, they shall hold their sessions for the purpose of registering the names of the qualified electors of said village. They shall meet for that purpose on the Saturday next preceding the annual election, and on the Saturday preceding any special election, and shall have the same powers and perform the same duties as township boards of registration. The recorder shall keep a book in which the name of every elector qualified to vote at said village election shall be duly entered, and it shall be the duty of said recorder to give ten days' public notice, to be posted up in three conspicuous places in said village, and by publishing the same in some newspaper published in said village, if any there be published previous to the time of holding such election, of the time and place of holding all elections, whether annual or special, in said village.

Board of registration and notice of sessions for registering names.

Time of meeting.

Powers and duties.

Notice of elections.

SEC. 5. Any member of the board of inspectors of election of said village is hereby authorized to administer the oath to electors contemplated by the foregoing sections of this act, and any person who shall knowingly and falsely take such oath, shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as are provided for the punishment of that crime by the laws of this State.

Oath of electors, by whom administered.

SEC. 6. The president, recorder, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the Common Council of the village of Red Jacket, and by that name they and their successors in office shall be known in law, and by such name they shall be capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of this State and any other place whatsoever, and they may have a common seal and may alter and change the same at pleasure, and by the same name they may be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate for the use and benefit of said corporation.

Common council, and their powers.

SEC. 7. The president, recorder, assessors, treasurer, and all other officers provided for in this act shall take and subscribe the constitutional oath before some officer authorized to administer oaths generally, and file the same within six days after notice of their election or appointment, and the recorder is hereby authorized to administer such oath. The recorder, marshal, and treasurer shall give bonds, running to the common council, in a sum double the amount likely to come into their hands, and to the satisfaction of the common council, conditioned for the faithful performance of their duties, before entering upon the duties of their respective offices, with two or more sufficient sureties to be approved by the common council, and file the same in the office of the recorder.

Oath of office.

Official bonds.

Terms of office.

SEC. 8. The president, recorder, and attorney and trustees shall hold their offices for two years, and until their successors are elected; at the first election held after the passage of this act, six trustees shall be elected, and six ballots shall be made, three of which shall have written thereon the words, "for one year," and three the words, "two years," and each of said trustees so elected at such election shall therefrom draw out of a box to be provided for the purpose one of said ballots, and shall hold his office for one or two years, as shall be indicated by the ballot drawn by him; and in each year thereafter three trustees shall be elected for two years.

Idem.

SEC. 9. The treasurer, marshal, assessors, and also any officer who shall be appointed by the common council, shall hold their offices for one year, and until their successors are elected or appointed and qualified: *Provided*, That the first term of one year mentioned in this and the next preceding section shall expire at the first annual election; and the first term of two years shall expire at the second annual election.

Proviso.

Who shall constitute the common council.

Quorum.

Meetings.

Fines for non-attendance.

Proviso.

Filling of vacancies.

Proviso.

SEC. 10. The president, recorder, and trustees, when assembled and organized, shall constitute the common council of the village of Red Jacket, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings from time to time, at such time and place as the president, or in his absence, the recorder may appoint; and shall have the power to impose, levy and collect such fines as they may deem proper, for the non-attendance of the said council, or of any officer whose attendance is required: *Provided*, No such fines shall exceed the sum of five dollars for any offense.

SEC. 11. In case of the death, resignation or removal of any of the officers provided for in this act, the vacancy thereupon arising shall be announced to the members of the common council by the president or recorder, and the said council shall thereupon convene as soon as may be, and may order an election to fill such vacancy within one month and not less than two weeks after such vacancy has been announced, and the same notice shall be given of said election, and the same shall be conducted in the same manner as provided for annual elections: *Provided, however*, That the common council shall have the power to fill vacancies that may occur in any of the offices, excepting in those of president and recorder, by appointment; every such appointment so made by them shall be by resolution duly recorded, and a certificate of such appointment, signed by the president and recorder, shall be filed with the recorder, and the officers so appointed shall be qualified as aforesaid and perform the duties of their respective offices.

Removal of appointed officers.

Proviso.

SEC. 12. The common council shall have power to remove any officer, by them appointed, for any violation of the provisions of this act, or of any by-laws, or ordinances of said village, or for refusing to perform the lawful requirements of said common council: *Provided, however*, That no officer shall be thus removed without first being given an opportunity to be heard in his defense.

SEC. 13. The common council shall have power to appoint a chief engineer of the fire department, one street commissioner, and such other officers (not elective) as they may deem necessary to carry into effect the provisions of this act.

Appointment of officers.

SEC. 14. It shall be the duty of the president to preside at all meetings of the common council; he shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer.

Duties of president.

SEC. 15. The recorder shall attend all meetings of the common council, and shall keep an accurate record of their proceedings; in the absence of the president he shall preside and perform his duties; the recorder shall also, within five days after the closing of the polls of any election, notify the officers elect, respectively, of their election, and shall, as soon as may be, notify all persons appointed by the common council of their appointment; the recorder shall also keep the corporation seal and all papers filed in or pertaining to his office; he shall make and preserve a true record of all ordinances and by-laws passed by said common council, and the grades of all streets, as established by said common council, in proper books to be provided therefor, and, when requested, he shall duly certify under the corporate seal, copies of all records of said village, and of all papers duly filed in his office.

Duties of recorder.

Notice to officers elected, etc.

Record of ordinances, etc.

SEC. 16. Any justice of the peace of the township of Calumet aforesaid shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing by the village attorney, or upon the oath of any other person, to inquire into, hear, try, and determine all offenses which may be committed in said village against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process and take recognizances for the keeping of the peace, for the appearance of the persons charged upon appeal, and to commit to prison as occasion shall lawfully require. In all prosecutions for the violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made in writing by the village attorney, or by any other person upon oath before any such justice of the peace, setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender, directed to the marshal of said village, or any constable of the county of Houghton, and such process may be executed by any of said officers anywhere within the county of Houghton, and shall be returnable in the same manner as other process issued by justices of the peace; that upon bringing the person so charged before said justice of the peace, he shall plead to said complaint, and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of "not guilty" for the person so charged; that upon said complaint and plea a trial shall be had, and upon conviction of the said offender, and the imposition of a fine, it shall be the duty of

Justices of township to try offenses against ordinances, etc.

Service and return of process.

Fines and imprisonment.

the justice of the peace to issue forthwith an execution directed to the marshal of said village, or any constable of said county, commanding him to collect of the goods and chattels of the person so offending the amount of such fine with interest and costs; and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county of Houghton, and the sheriff or keeper of said prison shall safely keep the body of the person so committed until he be discharged by due course of law; and in case by the judgment of said justice a fine be imposed, and by such judgment it be further provided that such person so convicted, on failing to pay said fine so imposed, shall be imprisoned in the county jail of Houghton county until the payment of such fine, not exceeding a term to be fixed in said judgment, and not exceeding in any case a term of ninety days, then said justice shall issue a commitment directed as aforesaid, commanding the commitment of such person to the said jail or prison until the payment of such fine; not exceeding the time fixed in the judgment of the court, or until he be discharged by due course of law; and in cases where fine and imprisonment, or imprisonment alone shall be imposed upon the person so convicted by the judgment of such justice, said justice shall issue the necessary process to carry such judgment into effect; and in all cases where any person shall be committed to said jail in the manner aforesaid, the sheriff of Houghton county or keeper of the said jail shall receive and safely keep the body of such persons so committed until discharged by due course of law. In prosecutions for the violation of any of the by-laws or ordinances of said village it shall not be necessary to plead or set forth any such by-law or ordinance, or any of the provisions thereof in any complaint, pleading, warrant, writ, or process; but the same shall be deemed well and sufficiently pleaded and set forth by reciting the title to any such ordinance or by-law, and the date of its passage or approval; and the court or officer before whom any such prosecution shall be tried, shall take notice, without proof of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

What deemed
sufficient plead-
ing, etc., in pro-
secutions for
violation of
ordinances, etc.

Powers of coun-
cil relative to
duties, powers
and fees of offi-
cers.

Streets, side-
walks, etc.

Nuisances.

SEC. 17. The common council shall have power to make by-laws and ordinances relative to and regulating the duties, powers, and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon the streets and alleys of said village relative to the manner of grading, railing, planking, and paving all sidewalks in said village. They shall also have power to lay out, alter, grade, and repair all streets and alleys; to prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances; and to compel the owner or occupant of any grocery, soap or candle factory, butcher shop or stall, stable, barn, privy, sewer, or other unwholesome, nauseous house or place; to cleanse the same whenever necessary for the comfort, health, or convenience of the inhabitants of said village: *Provided, however,*

That the said common council shall consider and declare all cock-pits, dog-pits, wrestling-rings, and places of like character, nuisances within the meaning of this section.

SEC. 18. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace; for the suppression of riots; for the apprehension and punishment of vagrants, drunkards, and disorderly persons; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers thereof; to prohibit every species of gaming; to prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor or apprentice; to regulate the keeping of gunpowder, and to prevent the discharge of every species of firearms; to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; to provide against and punish any immoderate driving or riding in any of the streets of said village; relative to the restraining of swine, cattle, and other animals from running at large in any of the streets or alleys or other public places of said village; to establish and regulate one or more pounds for said village; for the punishment of all lewd or lascivious behavior in the streets or public places of said village; to prevent the encumbering of the streets, alleys, or public squares of said village; to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of snow, ice, building materials, and every obstruction thereon; to prohibit and prevent the running at large of dogs; to require them to be muzzled, and to authorize their destruction when found running at large in violation of any ordinance of the village. The common council shall have, and exercise in and over said village, the same powers in relation to the regulation of taverns, groceries, common victualers, and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities; and in addition thereto shall also have power to make regulations for preventing the opening or keeping of any tavern, hotel, victualing house, saloon, or other house or place, for furnishing meals, food or drink, or billiard tables, or ball alleys, without first obtaining from the common council license therefor, and for licensing and regulating all taverns, hotels, victualing houses, saloons, and other places for furnishing meals, food, or drink, and keepers of billiard tables and ball alleys, not used for gaming, and to impose such fees, to be paid into the village treasury on the granting of such license, as they may see fit; and for the purpose of carrying into effect the powers conferred by this section, the common council shall have authority to prescribe, in any by-law or ordinance made by them, that any person who shall violate any of the provisions of any ordinance enacted or made in pursuance of this section, shall forfeit and pay for every day he shall so exercise such business or occupation hereinbefore mentioned, a penalty of five dollars, to be recovered by action of debt, in the corporate name of the said village, together with the costs of prosecution; or said council may provide that any person who shall offend against any of the provisions of

Public peace.

Riots, etc.

Vagrants, etc.

Gaming.

Liquors.

Firearms.

Violations of

Sabbath.

Disturbance of

public meetings.

Immoderate

driving.

Running at large

of swine, cattle,

etc.

Pounds.

Lascivious be-

havior in streets,

etc.

Encumbering of

streets, etc.

Clearing side-

walks.

Dogs.

Taverns, gro-

ceries, ball alleys,

etc.

any ordinance, enacted or made in pursuance of this section, or any part thereof, shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment, in the discretion of the justice or court who shall try the offender.

Fires, thieves,
etc.

Fire buckets,
etc.

Chimneys, etc.

Hazardous build-
ings.

Fire companies,
etc.

Reservoirs.

Proviso.

Organization and govern-
ment of fire
companies.

Members ex-
cused from cer-
tain duties.

Duties.

SEC. 19. The common council shall have power to make all such by-laws and ordinances as they may deem necessary to secure said village and its inhabitants from injury by fire, thieves, robbers, burglars, and other persons violating the public peace; to compel the owners or occupants of buildings to procure and keep in readiness, such number of fire buckets and ladders as they may direct; to regulate the construction of chimneys and fire-places, and the putting up of stoves, stove-pipe and other things that may be dangerous in causing fires; to prohibit and prevent the burning out of chimneys, and compel and regulate the cleaning of the same, and to authorize one or more officers to enter into all buildings in order to discover whether the same are in a dangerous state, and to compel the owners of such as are dangerous to put the same in a safe condition; and also to regulate the construction of all blacksmith shops, cooper shops, carpenter shops, planing establishments, bakeries, and all buildings usually regarded as extra hazardous with respect to fire; to establish, maintain, and regulate all such fire, hook and ladder, and hose, and bucket companies, as they may deem expedient; to construct reservoirs, and to provide such companies with the necessary and proper buildings and with engines and other implements for preventing and extinguishing fires; and to appoint from among the inhabitants of said village such number of men willing to accept as may be deemed necessary and proper to be employed as firemen; *Provided*, Such number does not exceed fifty for each company; and each fire, and hose, and hook and ladder company shall have the power to appoint their own officers and pass by-laws for the organization and government of their company, subject to the approval of the common council, and they may impose and collect such fines, for the non-attendance or neglect of duty of any of their members, as may be established by the by-laws and regulations of every such company, and every person belonging to such company may obtain from the recorder a certificate to that effect, which shall be evidence thereof; and the members of any such company, during their continuance as such, shall be excused from all duty in the militia in time of peace, from serving on juries in any of the courts of this State, and from payment of poll-tax; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engines, hose, ladders, and other implements used by such company; and upon the breaking out or alarm of any fire within said village, each fire company shall forthwith assemble at the place of said fire, with their engines and other implements, and they shall be subject to the orders of the chief engineer of the fire department; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by the common council, for

the purpose of working or examining their engines and other implements with a view to their perfect order and repair.

SEC. 20. Upon the breaking out of any fire in said village, the marshal shall at once repair to the place of said fire, and aid and assist in extinguishing the fire, and in preventing any goods or property from being stolen or injured, and in protecting, removing, and securing the same, for which purpose the president, recorder, trustees, marshal and fire wardens, or either of them, may require the assistance of all bystanders, and in case any bystander shall neglect or refuse to comply with such requirement he shall be punished as provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary.

Marshal at fires.

Bystanders at fires.

SEC. 21. The common council shall have power to adopt measures for the preservation of the public health; to restrain or prohibit the slaughtering of animals within the limits of said village, and the exercise of all dangerous or unwholesome avocations within said limits; to establish a board of health, and invest it with such powers, and impose upon it such duties as shall be necessary to secure said village and its inhabitants from contagious, malignant or infectious diseases; to provide for its proper organization and the election or appointment of its officers, and to make such by-laws for its government and support as will best subserve the most prompt and efficient discharge of its duties and the most effectual exercise of its powers.

Public health.

Board of health.

SEC. 22. The common council shall have power to construct, repair and preserve drains and reservoirs, and to provide for supplying such reservoirs with water, and shall have power to establish and maintain hydraulic works within the limits of said village for a supply of water for fire purposes and for domestic use, and in order that provision can be made for such expenditure, the common council may levy a tax upon the general valuation of property of the village, but the amount of such tax levied shall not exceed an amount of one-half of one per centum upon such valuation during any one year, the question having been first submitted to the qualified electors and a majority voting in favor thereof.

Drains and reservoirs.

Hydraulic works.

SEC. 23. The common council shall have power to fix the powers, to impose the duties, and name the compensation of the officers of said village; to license showmen and other exhibitors, where money or other consideration is demanded or received for admission, and to fix the amount for such license; to direct the number of and license inn-keepers and common victualers; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said village; to cause the streets for which a grade shall have been previously established to be graded and paved, and also to cause sidewalks to be constructed and repaired, when and where they shall deem the same necessary, and to cause the expenses of constructing or repairing said sidewalks to be assessed on the lots or premises adjoining such sidewalks, and they may pass all needful by-laws and ordinances in relation to the assessment and collection of the expenses of said

Power of council relative to powers, duties, etc., of officers.

Showmen.

Inn keepers, etc.

Collection of fines, etc.

Grades, sidewalks, etc.

Lines of buildings, etc.	construction; they may also fix and establish the grades of such streets and sidewalks, and establish lines upon which buildings may be erected and beyond which buildings shall not extend, and to make all such other by-laws and ordinances as they may deem necessary for the safety, order, and good government of said village, and to promote the prosperity and improve the condition of the inhabitants thereof, not inconsistent with the laws and constitution of this State, or the constitution of the United States;
Fines and penalties.	and to impose fines and penalties on all persons offending against the by-laws and ordinances made as aforesaid: <i>Provided</i> , That no
Proviso—limiting.	by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding ninety days: <i>And provided further</i> , That no by-law or ordinance shall be of any effect until the same shall have been published for two weeks in all the newspapers printed in said village: <i>And provided also</i> , If there is no newspaper printed in said village, notice of said by-laws shall be posted in at least three of the most public places in said village for the time aforesaid: <i>And provided lastly</i> , That the construction of the sidewalks referred to in this section shall be executed by order of the common council, and the assessment on the lots or premises adjoining such sidewalks, also referred to in this section, shall be made by the [said] council only when the owners of said adjoining lots shall neglect to build or repair, or cause to be built or repaired, such sidewalks in the manner and at the times prescribed by the common council.
Proviso relative to publication of ordinances.	
Proviso.	
Proviso relative to the construction of sidewalks	
Establishment of streets, etc., and taking private property therefor.	SEC. 24. The common council shall have power to lay out and establish, open, make, and repair streets and alleys, market places, and public parks in said village, and to alter those already laid out, and if in the doing thereof they shall require the grounds of any persons for such purpose, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service at least three weeks before the meeting of the common council at which action is to be had in regard to the same; and the said common council are hereby authorized to treat with such person for such grounds or premises, and if the parties cannot agree therefor, any justice of the peace of said township of Calumet shall, upon application of said common council, by its attorney or authorized agent, issue a precept under his hand in the nature of a <i>venire facias</i> directed to the marshal of said village, commanding him to summon and return a jury of twelve disinterested freeholders of said village to appear before said justice, at any time therein stated, to assess the damages or recompense due to the owner or owners of such grounds or premises, which jury being first duly sworn impartially to assess the damages in question, shall assess such damages as they shall deem just to be awarded to the owner or owners of such grounds or premises; and the said justice shall upon the return of such assessment enter judgment thereon, confirming the same, and all such sums so assessed, together with all costs, shall be paid or legally tendered before such street or alley, market place, or public park shall be made, opened, established, or altered, to the claimant
Notice to owners.	
Council may treat with owners.	
Proceedings when parties cannot agree.	
Jury.	
Assessment of damages.	
Judgment, disposition of money, etc.	

or claimants thereon, if a resident of the village, and if not, to be paid into the treasury of the village for the use of such claimant. *Provided*, That any person claiming damages shall have the right to remove such proceedings by appeal to the circuit court for the county of Houghton, upon giving notice in writing of his intention so to do to the said justice within ten days, or in case of the absence of said party from the village, within sixty days after the assessment aforesaid; said appellant shall give bond with two sureties to the said justice, conditioned to pay all costs which may be awarded against him in said circuit court; but no appeal, *superseas*, or other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, or altering such street or alley, market place, or public park as aforesaid; and upon filing a transcript of the proceedings aforesaid in the circuit court, within twenty days after the judgment confirming such assessment, duly certified by the justice of said village, the same proceedings shall be had as are prescribed by law in cases of appeal from justices of the peace.

Proviso relative to appeal.

Security for payment of costs.

Appeal not to prevent laying out of streets, etc.

SEC. 25. The common council shall have power and authority to levy and collect taxes on all real and personal property within the limits of said village, by them deemed necessary to defray the expenses thereof, which shall not exceed one per cent on the valuation for a general fund, one-half of one per cent in addition thereto for the fire department, and one-half of one per cent in addition thereto as a highway tax, unless the qualified electors of said village shall determine to increase these amounts by a majority vote of all the qualified electors, and the vote may be taken *viva voce* or otherwise, as the common council may direct; and every tax lawfully imposed by the common council on any lands, tenements, or hereditaments in said village shall be and remain a lien on such premises, from the time of the assessment of such tax until the same be paid; and the common council shall have power to make and establish such by-laws and ordinances for the collection of the same as shall be necessary, and the owners of all real estate so taxed as aforesaid shall be liable on demand to pay all taxes assessed upon their property. The said highway tax shall constitute a street fund, and the same shall be expended by contract or otherwise, under the supervision of the marshal or street commissioner, as the common council may direct, upon the streets, alleys, and public grounds of said village, in surveying, opening, working upon, repairing, and grading such streets, alleys, and public grounds in said village.

Power of council to levy and collect taxes.

Electors may vote to increase same.

Lien.

Highway tax, how expended.

SEC. 26. The common council shall have power to assess and collect from every male inhabitant of said village over the age of twenty-one years, and under fifty years, a list of whom shall be made by the assessors at the time of making their annual assessments, an annual capitation or poll tax not exceeding one dollar, and they may provide by the by-laws for the collection of the same.

Poll tax.

SEC. 27. The assessors of said village shall once in each year, between the third Monday in April and the fourth Monday in May,

Assessors to make assessment roll.

make an assessment roll containing a description of all the property, both real and personal, in said village, and the names of the owners or occupants, or agents thereof, if known, and the names of all persons liable to pay poll-tax as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so made and completed, they shall give notice thereof by publishing the same in any newspaper published in said village, and if no newspaper be published therein, then such notice shall be given by posting the same in three public places in said village, and such notice shall contain a statement of the time when, and the place where, the said assessors will meet to hear the objection of any person, to any valuation so made by them; and at the time so appointed, the assessors shall meet, and upon the application of any person considering himself aggrieved, may review and reduce, or increase said valuation, on sufficient cause being shown on oath to the satisfaction of the assessors, which oath either of the assessors is hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the said assessors, such person shall have the right of appealing from such decision at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown on oath, to reduce or increase such valuation, and such oath may be administered by the recorder. And the common council may at any time before the taxes are collected upon such assessments, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll. The assessor shall complete and deliver said assessment roll to the recorder on or before the second Monday in June in each year: *Provided*, That the assessment roll for the present year may be made at such time as shall be prescribed by resolution of the common council.

Notice of completion and time of review.

May reduce or increase assessment.

Right of appealing to council.

Council may increase or reduce valuation. May correct descriptions.

When roll shall be delivered to recorder. Provide.

Duties of the recorder.

Assessment, fees, etc.

Copy of roll to be delivered to marshal.

SEC. 28. It shall be the duty of the recorder, upon receiving the assessment roll in each year, to assess the taxes that have been levied by the common council for the year, adding thereto and to all other taxes required by law to be assessed by him, a fee for collection, as shall be ordered by the common council, not exceeding four per cent. He shall thereupon deliver to the marshal a copy of said assessment roll, with the taxes for the year annexed to each valuation to be carried out in separate columns for each separate fund, and with the total amount of taxes carried out in the last column of said roll, and he shall annex thereto a warrant under the hands of the recorder and president, and under the seal of said village commanding the marshal to collect from the several persons named in said roll; the said several sums mentioned in the last column thereof opposite their respective names, on or before a day, to be specified in said warrant, not less than sixty days from the date of such warrant, and it shall authorize the marshal in case any person shall neglect or refuse to pay his tax to levy the same by distress and sale of the goods and chattels of such person.

SEC. 29. The marshal, upon receiving the tax-roll, shall proceed to collect the tax therein mentioned, and shall call upon each person taxed, if a resident of the village, at least once, and demand payment of the taxes charged to him on said roll; and in case of refusal or neglect to pay such taxes, the marshal shall levy the same by distress and sale of the goods and chattels of every such person, whenever found within the village, and may take any property that may be taken by township treasurers in the collection of taxes. He shall give the same notice and sell in the same manner as township treasurers are required to do, and any surplus shall be returned to the person in whose possession said property was when the distress was made. The said marshal shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said tax-roll into the office of the recorder; and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes so remaining due and unpaid, with a full and perfect description of the premises upon which said taxes are due upon said roll, and shall attach thereto an affidavit, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such taxes, and such statement shall be filed in the office of the recorder.

Duties of marshal in collecting taxes.

Return of roll.

Statement of taxes unpaid.

SEC. 30. Whenever the marshal shall not be able to collect any village tax on personal property on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the marshal for such tax; and thereupon said warrant shall be and remain in full force for the purpose of such collection, as long as shall be directed by the common council, and the marshal shall charge interest on all such taxes at ten per cent per annum from the time of returning the tax roll until the day of collection. It shall also be lawful for the marshal in the name of the village to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce payment of any such tax. Executions issued upon judgments rendered for every such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any village taxes, and the proceedings of any officer with such execution shall be the same in all respects as is now directed by law. The production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, with a warrant annexed of the village, be read in evidence, and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may be

When new warrant may be issued.

Collection by suit.

Executions.

Assessment roll as evidence in court.

Judgment.	pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax.
Duties of recorder.	SEC. 31. The recorder shall immediately on receiving the statement mentioned in the twenty-ninth section of this act, transcribe the same into a book to be provided by him for that purpose, and shall, under the direction of the common council, and in pursuance of the ordinances of said council, proceed to sell at public sale so much of said land so returned on account of the non-payment of taxes thereon, as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which sale shall be given by publication in a newspaper published in said village, once in each week for four successive weeks, immediately preceding such sale, but if there be no newspaper published in said village, then such notice shall be given by posting the same in three public places in said village for at least four weeks, and also by publishing the same in some newspaper printed in the county of Houghton, for at least four successive weeks immediately preceding such sale; and the said recorder, upon such sale being made, shall give to the purchaser or purchasers of any such lands, a certificate in writing describing the lands purchased and the time when the purchaser will be entitled to a deed for the same; and in case a less amount than the whole of such description should be sold, the part so sold shall be taken from the north side thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: <i>Provided</i> , That if any parcel of land cannot be sold to any person for the taxes and charges, the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser thereof. Upon the completion of said sale, the said recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax, and amount for which the same were sold, and the names of the purchasers, which shall be transcribed on a book to be kept by said treasurer, and said recorder shall also pay to said treasurer at the same time all the moneys received on such sale.
Public sale.	
Notice of sale.	
Certificate of sale.	
Proviso—may bid off to common council.	
Statement of sale.	
Redemption, how and when made.	SEC. 32. Any one claiming any of the lands sold as aforesaid or any interest therein may, at any time within three years next succeeding the sale, redeem any parcel of said lands, or any part of or interest in the same, by paying to the treasurer of said village the amount for which such place was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent per annum, fifteen per cent of which shall be paid to the purchaser, but in no case shall the interest be computed for a less time than three months from the day of sale; whereupon the treasurer shall issue and deliver to the person making such payment, a certificate of the redemption thereof, and he shall after the expiration of the three years after the making of such sales, deliver to the recorder of the village a
Certificate of redemption, etc.	

statement of all the lands that have been redeemed as aforesaid, and of the amounts paid for such redemption.

SEC. 33. Upon the presentation of any such certificate of sale to the recorder, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall, unless such lands shall have been redeemed, execute to the purchaser, his heirs, or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon, and the said conveyance shall be *prima facie* evidence that the proceedings were regular according to the provisions of this act, from the valuation of the same by the assessors to the date of the deed inclusive, and of every such conveyance duly made and acknowledged may be given in evidence in all courts of this State, in the manner and with the like effect of any other conveyance of real estate or any interest therein; and the common council may, upon satisfactory evidence, upon oath, of the payment of any tax upon real estate, and that the same has been returned for the non-payment by mistake, or otherwise improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale, before the land described therein has been conveyed as aforesaid, and thereupon the recorder shall draw an order upon the treasurer, countersigned by the president, for the amount of the purchase money with interest at the rate of ten per cent per annum, and no deed shall be given upon such certificate of sale.

Conveyance of lands sold.

When certificate of sale may be canceled.

SEC. 34. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers and processes that may be issued under and by virtue of this act to him for service, and he shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; he shall see that all the by-laws and ordinances of the common council are properly and efficiently enforced; he shall obey all the lawful orders of the president or common council, and shall also attend the meetings of the common council, and may command the assistance of any and all persons in the discharge of the duties imposed on him by law; he shall also, under the direction of the common council, see to the making, grading, and paving, repairing and opening of all streets, alleys and sidewalks, within said village, unless the common council shall devolve the same upon one or more street commissioners, whom they are hereby authorized to appoint; and he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace or offending against any of the by-laws or ordinances of this village, and forthwith take such person before the recorder of the village, to be dealt with as the by-laws and ordinances, or as this act shall provide; and he may apprehend any person found drunk in the streets, and imprison such person until he shall become sober; he shall pay over all moneys by him received by virtue of his office as such marshal, belonging to the village, to the treasurer of said village at such times and in such manner as the common council may direct; and he shall per-

Marshal to collect taxes, etc.

Obey order of council.

See to the grading of streets, etc.

To arrest offenders.

Persons found drunk, etc.

form all the duties that may be required of him by the by-laws, ordinances, or resolutions passed by said common council.

Treasurer shall have custody of moneys.

SEC. 35. The treasurer of said village shall have the custody of all the money and evidences of value belonging to the village; he shall keep an accurate account of all receipts of money and expenditures thereof; he shall pay no moneys out of the treasury except in pursuance of and by authority of law, and upon a warrant signed by the recorder and countersigned by the president, which warrant shall specify the purpose for which the amount is to be paid; he shall keep an accurate account of and be charged with moneys received for each fund of the corporation, and shall pay every warrant out of the particular fund constituted or raised for the purposes for which such warrant is issued and having the name of such fund endorsed thereon by the recorder. He shall exhibit to the common council annually, and as often, and for such periods as may be required, a full and detailed account of all receipts and expenditures, since the date of his last report, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which accounts, reports, and statements shall be filed in the office of the recorder.

Make statement of finances.

Compensation of officers.

SEC. 36. The recorder, treasurer, attorney, marshal, and all other officers of said village shall receive such compensation for their services as the council may think right and proper, unless the same is fixed by the provisions of this act. But the president and trustees shall receive no compensation for their services.

Publication of financial account

SEC. 37. The common council shall, at least once in each and every year, cause to be published a just and true account of all the moneys received or expended by them, in their corporate capacity, during the year or other periods preceding such publication, previous to which they shall audit and settle the accounts of the treasurer and marshal, and the accounts of all other officers and persons having claims against the village, or accounts with it; and they shall cause to be made out, in detail, a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the object and purpose for which the same were made, and the amount of money expended under such appropriations; the amount of taxes raised; the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial condition of the village.

Statements of receipts, expenditures, etc.

Suits, how brought.

SEC. 38. All suits which shall be brought to recover any penalty or forfeiture, for the violation of any ordinance of the common council, shall be brought in the name of the village of Red Jacket, under the direction of the common council, or of the attorney of said village; and no person being an inhabitant, freeman, or freeholder of the said village shall be disqualified for that cause from acting as a judge, justice, or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, or for the violation of any

ordinance of the common council, nor from serving any process, summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest, or investigation, the said village, or any village officer is a party, or in which said village or such officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said village, because he is an inhabitant thereof. If any judgment in any action shall be rendered against the village by any justice of the peace, such judgment may be removed by appeal or *certiorari* to the circuit court of Houghton county, in the same manner and with the same effect as though the village were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said village. All moneys received by said village for penalties and forfeitures, shall be disposed of as the common council may direct, who shall have power to remit any fines or penalties which are imposed by this act.

Right of appeal.

Disposition of penalties and forfeitures.

SEC. 39. In all trials before any justice of the peace aforesaid, under the [provisions] provision of this act, the party charged with an offense shall be entitled to a trial by jury of six persons, and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in civil cases before justices of the peace, and in all cases the right of appeal from the justice's court to the circuit court for the county of Houghton shall be allowed to the parties, and the same recognizance shall be given as is or may be required by law in appeals from justices' courts.

Trial by jury.

Right of appeal.

SEC. 40. All fines recovered for the violation of any by-law or ordinance of the common council shall be paid to the treasurer of said village, by the officer receiving the same, immediately after the receipt thereof, and any person who shall refuse or neglect to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment at the discretion of the court.

Disposition of fines.

Penalty for refusing to pay.

SEC. 41. Whenever any action or suit shall be commenced against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy with the recorder at his office, or, in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof, and the recorder shall thereupon inform the common council thereof.

Suits against corporations, how commenced.

SEC. 42. No person or persons shall exhibit within said village any circus, menagerie, theatre or theatrical performance, or as common showman, without being first duly licensed therefor by the common council, under a penalty of one hundred dollars for every offense, and such person shall be liable to imprisonment until such fine be paid, and any person offering to exhibit any such circus,

License of circuses, menageries, etc.

menagerie, theatre, or theatrical performance, or as common showman, without such license, may be forthwith arrested by the marshal or any constable residing in the township of Calumet, and the officer making such arrest shall bring before any justice of the peace aforesaid, and upon conviction the said justice shall impose a fine of one hundred dollars, and shall order the offender to be committed to the common jail until such fine be paid.

Owners of property may be required to construct sidewalks, etc.

SEC. 43. Whenever the common council shall deem it expedient, they may, by ordinance, resolution, or otherwise, require the owners or occupants of lands in said village, or any specified part thereof, to construct, repair, maintain, and reconstruct sidewalks in any street or alley adjoining their respective lots or premises, in such manner, and with such materials, as the common council may direct, and if the owner of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served or published, as the common council may direct, shall fail or neglect to construct, repair or reconstruct, or to clear away any snow, ice, or other obstruction from any sidewalk adjoining to such lot or premises within such time, and in such manner, and with such materials as the common council may prescribe or require, the common council may cause the same to be done at the expense of the village; and such expense shall be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the account of the general village tax on such lot or premises in the tax roll next thereafter to be made; and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid the land may be sold therefor in the same manner as for ordinary village taxes.

Repairing or clearing of sidewalks.

Special assessment.

Lien.

Accounts verified by affidavit.

SEC. 44. Before any account or demand of any person against said village shall be audited, allowed, or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates in detail, which affidavit may be taken and certified before any member of the common council, or any person authorized to administer oaths.

Council may borrow money for certain purposes.

SEC. 45. The common council of said village may borrow for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire engine and implements necessary to be used therewith for the use of said village, and may issue the bonds of the village therefor: *Provided*, That the council shall not borrow to exceed five thousand dollars for the purpose of buying a fire engine or building an engine house, and other necessary fire apparatus, unless authorized to borrow a greater amount by a vote of the qualified electors of said village at their annual election, which vote may be taken *viva voce* or otherwise, as the council may determine and direct: *And provided further*, That no greater amount than one thousand dollars of the principal thereof (exclusive of interest) shall be made to become due in any one year. They may erect and provide for the corporation a town hall and all needful buildings and offices for the

Proviso—limit of amount.

Further proviso.

Provision for a town hall, etc.

use of the corporation or its officers, and to regulate and control the same.

SEC. 46. The inhabitants of said village shall be amenable to the operation of any and all the laws relating to township government, except so far as is herein provided. Inhabitants amenable to laws.

SEC. 47. This act shall be deemed a public act, and shall be favorably construed in all courts and places. This act a public act.

SEC. 48. This act shall take immediate effect.

Approved March 19, 1875.

[No. 274.]

AN ACT to incorporate the village of Hancock.

SECTION 1. *The People of the State of Michigan enact*, That Boundaries.
all that tract of country situated in the township of Hancock, in the county of Houghton, known and designated on the plats in the Land Office of the Upper Peninsula district, as a part of lot number three, in section thirty-five, a part of the southwest quarter of the southeast quarter of section twenty-six; and parts of lots number one and two of section thirty-five, and a strip off the southeast quarter of the southwest quarter of section twenty-six, all in town fifty-five north, of range thirty-four west, according to the recorded plat of said village of Hancock, as recorded in the register's office for the county of Houghton, be and the same is hereby constituted a town corporate, by the name of the village Corporate name.
of Hancock.

SEC. 2. The male inhabitants of said village, having the qualifications of electors under the Constitution of the State, shall meet at the Firemen's Hall, in said village, on the second Monday of April next, and on the first Tuesday of March annually thereafter, at such place as may be appointed by the common council of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, a president, recorder, treasurer, attorney, marshal, six trustees, and two assessors. The polls of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day, and no longer. At the first election to be holden in said village under this act, there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president, recorder, and trustees, or a majority of the common council. The name of each elector voting at such election shall be written in a poll list to be kept at such election by the common council. After the close of the polls at such election, Elections—elective officers.
Opening and closing of polls.
Judges and clerk.
Oath.
Poll list.
Canvass of votes.

the common council shall proceed without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president, or recorder, if present, and if not, then some other member of the common council, shall draw out and destroy, unopened, so many ballots as shall amount to the excess, and if two or more ballots shall be found rolled or folded up together, they shall not be estimated, and thereupon the common council shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate the same day, or the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes shall be declared duly elected: *Provided*, If it shall happen that two or more persons shall have an equal number of votes for the same office, so that no election shall be had, a new election shall be had for such officers as shall have had such equal number of votes: *And provided*, That if for any cause said first election is not held as above provided, it shall be lawful to hold such election at any time by giving notice thereof as provided in this act.

Certificate to be filed with recorder. SEC. 3. After the first election, and at all subsequent elections, to be holden under the provisions of this act, the president, clerk, and one or more of the trustees of said village, shall be a board of registration, and they shall give at least five days' notice, by posting up three written notices, in three public places in said village, of the place where, and the time when, they shall hold their sessions for the purpose of registering the names of the qualified electors of said village. They shall meet for that purpose on the Saturday preceding the annual election, and on the Saturday preceding any special election held in said village, and shall have the same powers and perform the same duties as are now or hereafter conferred on township boards of registration. The village recorder shall procure a suitable book at the expense of the village in which the name of every elector qualified to vote in said village, shall be entered. And it shall be the duty of the recorder of said village, to give ten days' public notice in writing, in three public places in said village, and by publishing the same for two weeks in some newspaper published in said village, previous to the time of holding such election, of the time and place of holding all elections, both annual and special, in said village, and every person offering to vote at such election, before he shall be permitted to vote, shall, if required by any elector of said village, take one of the oaths or affirmations required by law to be taken at general elections, substituting the word village in place of township or ward, when necessary, and all persons who are challenged and take such oath or affirmation shall be permitted to vote, but any person who wilfully swears or affirms falsely to any material fact shall be deemed guilty of perjury.

Proviso.

Tie.

Proviso.

Board of registration.

Notice of registration.

Time of meeting.

Notice of election.

Oath of electors.

SEC. 4. The president or recorder of said village is hereby authorized to administer the oath to electors contemplated by the third section of this act, and any person who shall knowingly and falsely take such oath shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the same pains and penalties as are provided for the punishment of that crime by the laws of this State.

Oath, by whom administered.

Perjury.

SEC. 5. The president, recorder, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "The Common Council of the Village of Hancock," and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate for the use and benefit of said corporation.

Body corporate and politic.

Corporate rights.

SEC. 6. The president, recorder, assessors, treasurer, and all officers provided for in this act, shall take and subscribe the constitutional oath before the recorder, or some judge, circuit court commissioner, notary public, or justice of the peace, and file the same within two days after notice of their election or appointment, and within ten days after such election or appointment, and the recorder is hereby authorized to administer such oath.

Oath of office.

SEC. 7. The recorder, marshal, and treasurer shall give bonds to the common council in a sum double the amount liable to come into their hands, and to the satisfaction of the common council, conditioned for the faithful performance of their duties, before entering upon the duties of their respective offices, with two or more sufficient sureties, to be approved by the common council, and file the same in the office of the recorder.

Bonds of officers.

SEC. 8. The president and trustees shall hold their office for two years, and until others are elected. At the first election held after the passage of this act, six trustees shall be elected, and six ballots shall be made, three of which shall have written thereon the words "one year," and three the words "two years," and each of said trustees, so elected at such election, shall therefrom draw out of a box, provided for the purpose, one of said ballots, and shall hold his office one or two years, as shall be indicated by the ballot drawn by him, and in each year thereafter three trustees shall be elected annually.

Terms of office of president and trustees.

SEC. 9. The treasurer, recorder, marshal, attorney, assessors, and such other officers as shall be appointed by the common council, shall hold their offices for one year, and until others are elected or appointed: *Provided*, That the first term of "one year," mentioned in this and the next preceding sections, shall expire at the first annual election, and the first term of "two years" shall expire at the second annual election.

Terms of office of treasurer, marshal, etc.

Proviso.

Common council,
quorum of.

SEC. 10. The president, recorder, and trustees, when assembled together and organized, shall constitute the common council of the village of Hancock, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business (though a less number may adjourn from time to time), and the said common council shall hold their meetings at such time and place as the president, or in his absence the recorder, may appoint, and shall have power to impose, levy, and collect, such fines as they may deem proper for the non-attendance of the members of said council, or of any officer whose attendance is required: *Provided*, No such fine shall exceed the sum of five dollars for any offense.

Fines for non-attendance.
Provido.

Filling of vacancies.

SEC. 11. In case of the death, resignation, or removal of any of the officers provided for in this act, such vacancy shall be announced to the members of the common council by the president or recorder, and the said council shall thereupon convene as soon as may be, and may order an election to fill such vacancy at any time within one month and not less than two weeks after such vacancy has been announced, and the same notice shall be given of such election, and the same shall be conducted in the same manner as provided for annual elections: *Provided, however*, That the common council shall have power to fill vacancies that may occur in any of the offices, except president. Every such appointment so made by them shall be by resolution, duly recorded, and a certificate of such appointment, signed by the president, shall be filed with the recorder, and the officers so appointed shall be qualified as aforesaid, and perform the duties of their respective offices.

Provido.

Appointment.

Removal of appointed officers.

SEC. 12. The common council shall have power to remove at pleasure any officers by them appointed; they shall also have power to remove the recorder, marshal, treasurer, or attorney, for any violation of the provisions of this act, or any by-laws or ordinances, or for refusing to perform the lawful requirements of said common council.

Chief engineer,
street commissioner, etc.

SEC. 13. The common council shall have power to appoint a chief engineer for the fire department, one or more street commissioners, and such other officers whose election is not specifically provided for, as they may deem necessary to carry into effect the powers granted by this act.

Duties of the president.

SEC. 14. It shall be the duty of the president to preside at all meetings of the common council, and to attend at the annual election of the officers; he shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer of said village.

Duties of the recorder.

SEC. 15. The recorder shall attend all meetings of the common council and keep an accurate and fair record of their proceedings, and in the absence of the president to preside and perform his duties; or the common council may appoint a president *pro tempore*. The recorder shall also, within five days after the closing of the polls of any election, notify the officers respectively of their election, and shall, as soon as may be, notify all officers of their appointment by the common council. The recorder shall, in addition to the other duties imposed upon him, keep the corporation

Notice to officers elected, etc.

Record of ordinances, etc.

seal and all papers filed in, or pertaining to his office; shall make and preserve a record of all ordinances and by-laws passed by said common council, and the grades of all streets as may be established by said common council in proper books to be provided therefor; and when requested, shall duly certify under the corporate seal, copies of all records of said common council, and all papers duly filed in his office.

SEC. 16. The common council shall have power to make by-laws and ordinances relative to, and regulating the duties, powers, and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon the streets, lanes, alleys, and public squares of said village; relative to the manner of grading, railing, planting and paving all sidewalks in said village, and to setting posts and shade trees in all streets and public grounds in said village; to lay out, alter, grade, and repair all streets, lanes and alleys; to prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement, or removal by the marshal of said village; and to compel the owner or occupant of any grocery, soap, or candle factory, butcher's shop, or stall, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse the same whenever necessary for the comfort, health, or convenience of the inhabitants of said village.

Powers and duties of council relative to fees, etc.

Streets, etc.

Shade trees.

Nuisances.

Offensive places.

SEC. 17. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace, for the suppression of riots; for the apprehension and punishment of vagrants, drunkards and disorderly persons; to suppress all disorderly houses, and houses of ill-fame, and to punish the keepers thereof; to prohibit every species of gaming, to prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor, or apprentice, to regulate the keeping of gunpowder, and to prevent the discharge of every species of fire-arms, to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; provide against and punish any immoderate riding or driving in any of the streets in said village; relative to the laying of gas-pipe and the public lighting of said village with gas lights or otherwise; relative to the restraining of swine, cattle, horses, and other descriptions of animals, from running at large in the streets, lanes, or alleys, and other public places in said village; relative to billiard and other tables, and pin or ball alleys, kept for hire, gain, or reward in said village; to establish and regulate one or more pounds for said village; for the punishment of all lewd and lascivious behavior on the streets, or other public places in said village; to prevent the encumbering the streets, sidewalks, alleys, or public grounds; to regulate all graveyards and the burial of the dead in said village; to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of snow, ice, dirt, boxes, and every encumbrance or obstruction thereon; to prohibit and prevent the

Public peace.

Vagrants.

Gaming.

Gun powder.

Sabbath.

Laying of gas-pipe.

Animals at large.

Billiard tables, etc.

Street obstructions.

Grave yards.

- Dogs.** running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of the common council. The common council shall have and exercise in and over said village the same powers in relation to the regulation of taverns, groceries, common victualers, and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of cities and villages, in relation to tavern keepers and common victualers; and in addition thereto shall also have power to make regulations for preventing the opening or keeping of any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food, or drink, or billiard tables, or ball alleys, without first obtaining from the common council license therefor; and for licensing and regulating all taverns, hotels, victualing houses, saloons, and other places for furnishing meals, food, or drink, and keepers of billiard tables and ball alleys not used for gaming, and to impose such fees to be paid into the village treasury on the granting of such license as they may see fit; and for the purpose of carrying into effect the powers conferred by this section, the common council shall have authority to prescribe in any by-law, or ordinance made by them, that any person who shall violate any of the provisions of any ordinance enacted or made in pursuance of this section, shall forfeit and pay for every day he shall so exercise such business or occupation hereinbefore mentioned, a penalty of five dollars, to be recovered by action of debt in the corporate name of said village, together with the costs of prosecution; or said council may provide that any person who shall offend against any of the provisions of any ordinance enacted or made in pursuance of this section, or of any part thereof, shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment, in the discretion of the justice or court who shall try the offender.
- Taverns, groceries, etc.**
- Licensing of taverns, hotels, etc.**
- Penalty for violating, etc.**
- Fine.**
- Burglars.** SEC. 18. The common council shall have power and authority to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof against injuries by fire, thieves, robbers, burglars and other persons violating the public peace, by appointing one, and not more than two watchmen in addition to the marshal, if by said council shall be deemed necessary; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct; they shall also have power to prohibit, forbid and prevent the construction or erection within such parts, streets or districts of said village, as in their opinion the public safety may require, any wooden or frame house, store, shop, or other buildings, and prohibit and prevent the removing of wooden or frame buildings from any part of said village to any lot or place within said limits, and the rebuilding or repairing the same; and also to regulate the construction of party walls, chimneys, fire-places, and the putting up of stoves, stove-pipe and other things that may be dangerous in
- Fire buckets.**
- Unsafe buildings.**
- Party walls, chimneys, etc.**

causing or promoting fires; to prohibit and prevent the burning out of chimneys, and compel and regulate the clearing the same, and appoint one or more officers to enter into all buildings to discover whether the same are in a dangerous state, and cause such as are in a dangerous state to be put in a safe condition; and also to regulate the construction of all blacksmith shops, cooper shops, carpenter shops, planing establishments, bakeries, and all buildings usually regarded as extra hazardous in respect to fire; to establish, maintain, and regulate all such fire engine, hook and ladder, and hose and bucket companies as they may deem expedient; to construct reservoirs, and to provide such companies with necessary and proper buildings, engines, and other implements to prevent and extinguish fires; and to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed necessary and proper to be employed as firemen: *Provided*, Such number does not exceed two hundred for each company; and each fire and hose and hook and ladder company shall have the power to appoint their own officers, and pass by-laws for the organization and government of said company, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by the by-laws and regulations of every such company; and every person belonging to such company may obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof, and the members of any such company during their continuance as such shall be excused from all duty in the militia in time of peace, and also from serving on any jury in any of the courts of this State, or payment of poll tax; and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, ladders, and other instruments used by such company, and upon any alarm or breaking out of any fire within said village, each fire company shall forthwith assemble at the place of said fire, with the engine and other implements of each of said fire companies, and be subject to the orders of the chief engineer of the fire department; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by the common council, for the purpose of working or examining said engines and other implements with a view to their perfect order or repair.

Hazardous buildings.

Fire department.

Firemen.

Proviso.

Fines.

Certificate of membership.

Exemption of members.

Duty of companies.

Monthly meetings.

Duty of marshal at fires.

Assistance of by-standers.

SEC. 19. Upon the breaking out of any fire in said village the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing, and securing the same, and for which purpose the president, recorder, trustees, marshal, and fire wardens, or either of them, or such of them as may be present at such fire, may require the assistance of all bystanders, and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary.

Public health	SEC. 20. The common council shall have power to adopt measures for the preservation of the public health of said village ; to restrain or prohibit the slaughtering of animals within the limits of said village, and also the exercise of all dangerous or unwholesome avocations within said limits ; to establish a board of health, and invest it with such powers and impose upon it such duties as shall be necessary to secure said village and the inhabitants thereof from contagious, malignant and infectious diseases ; to provide for its proper organization and the election or appointment of the necessary officers therefor, and make such by-laws, rules, and regulations for its government and support as shall be required for enforcing the most prompt and efficient performance of its duties and the lawful exercise of its powers.
Dangerous avocations.	
Board of health.	
Infectious diseases.	
Reservoirs.	SEC. 21. The common council shall have full power and authority to construct, repair, and preserve levees, drains, and reservoirs, and provide for supplying such reservoirs with water ; to cause bridges to be built or repaired ; to make by-laws and ordinances to regulate the weighing of hay and measuring of firewood brought into the village for the purpose of sale in the streets or public grounds ; and also relative to drays, hacks, and vehicles kept for the transportation of persons and property in said village, and prescribe the amount of charges for their services ; also, relative to the powers, duties, and compensation of the officers of said corporation, subject to the restrictions contained in this act ; relative to the calling of meetings of the electors of the village ; relative to the licensing of showmen and other exhibitions, where money or other consideration is demanded or received for admission, and to fix the amount of said license ; to direct the number of, and license innkeepers and common victualers ; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said village ; to regulate the setting of awning and other posts and shade trees in the streets and other public places in said village ; to cause the streets, for which a grade shall have been previously established, to be graded and paved, and also to cause sidewalks to be constructed and repaired when and where they shall deem necessary and proper, and cause the expense of grading or paving said streets, or constructing or repairing said sidewalks, to be assessed on the lots or premises adjoining such streets or sidewalks, and may pass all needful by-laws and ordinances in relation to the assessment and collection of the expenses therefor ; they may also fix and establish the grades of all such streets and sidewalks, and also establish lines upon which buildings may be erected, and beyond which buildings shall not extend ; and to make all such other by-laws and ordinances as they may deem proper and necessary for the safety, order, and good government of said village, and to promote the prosperity and improve the condition of the inhabitants thereof, not inconsistent with the laws and constitution of this State and the constitution of the United States, and to impose fines, forfeitures, and penalties on all persons offending against the by-laws and ordinances made as aforesaid : <i>Provided</i> , That no by-
Bridges.	
Hay and wood.	
Hacks, etc.	
Compensation of officers.	
Showmen.	
Inn-keepers, etc.	
Fines and penalties.	
Awnings.	
Grade.	
Sidewalks.	
Assessment of expenses.	
Lines of buildings, etc.	
Other general laws.	

law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding ninety days: *And provided further*, That no by-law or ordinance shall be of any effect until the same shall have been published for two weeks successively in all the newspapers printed weekly in said village: *And provided also*, If there is no newspaper printed in said village, notice thereof shall be posted in at least three of the most public places in said village.

Proviso—limit to fine.

Proviso.

Proviso.

SEC. 22. The common council shall have power and authority to lay out and establish, open, make, repair, and establish the grade of streets, lanes, and alleys, squares, market places, and public parks in said village, as they may deem necessary, and the same to alter, and to alter those already laid out; and if in the doing thereof they shall require for such purpose the grounds of any persons, they shall give notice thereof to the owner, or parties interested, or his or their agent or representative, by personal service, or by publication in some one of the newspapers printed in the village, at least three weeks next preceding the meeting of the common council, at which action is to be had in regard to the same; and the said common council are hereby authorized to treat with such person for such grounds or premises; and if such person shall refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for the said common council to apply to any justice of the peace of the township of Hancock, in said county of Houghton, for a jury, and upon such application it shall be the duty of such justice of the peace to issue a precept under his hand in the nature of a *venire facias*, to command the marshal to summon and return a jury of twelve disinterested freeholders of said village or township, to appear before said justice at any time therein stated, to inquire into and assess the damages and recompense due to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice, faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in, such grounds or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment thereon confirming the same, and all such sum or sums so assessed, together with all costs, shall be paid, or legally tendered, before such street, lane, or alley, square, market place, or public park, shall be made, opened, established, or altered, to the claimant or claimants thereof, if a resident of the village, and if not, to be paid into the treasury of the village, for the use of said claimant or claimants; but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for said justice to render judgment against said claimant for the costs, and issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and used for the purposes aforesaid: *Provided*,

Power of council to lay out streets, alleys, etc.

Proceedings when private property is required.

Disagreement as to damage.

Assessment of damages.

Jury to award.

Judgment confirming award.

Damage paid.

No damages.

- Proviso—appeal.** That any person claiming damages may have the right to remove such proceedings by appeal to the circuit court of Houghton county, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days; or, in case of the absence of the said party from the village, within sixty days after the assessment aforesaid, and the judgment of said justice thereon, first giving bond, with two sufficient sureties, to be approved by the recorder, conditioned to pay all costs which may be awarded against him in said circuit court; but no appeal, *supersedeas*, injunction, or any other process or proceeding, from any court whatever, shall prevent the immediate making, laying out, opening, establishing, or altering such street, lane, or alley, square, market place, or public park, as aforesaid; and upon filing a transcript of the proceedings aforesaid within forty days after the judgment confirming such assessments in the said circuit court, duly certified by the justice of said village, the same proceedings shall be had as are prescribed by law in cases of appeals from justices of the peace:
- Bonds, sureties, etc.** *Provided*, That if the final judgment of said circuit court shall not exceed the damages assessed by said jury, and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.
- Transcript.**
- Proviso.**
- Tax to pay city expenses.** SEC. 23. The common council shall have power and authority to levy and collect taxes on all real and personal property within the limits of said village, by them deemed necessary to defray the expenses thereof, which shall not exceed one-half of one per cent on the valuation thereof for the general fund, one-half of one per cent in addition thereto for the fire department, and one-half of one per cent in addition thereto as a highway tax, unless the qualified electors of said village shall determine to increase that amount by a majority vote of all the qualified electors, and the vote may be taken *viva voce*, or otherwise, as the common council of said village may determine and direct, exclusive of, and in addition to, any taxes which may be levied by virtue of any provisions of this act as a special assessment for public or local improvements, and every tax lawfully imposed by the common council upon any lands, tenements, and hereditaments in said village, shall be and remain a lien upon such lands, tenements, and hereditaments until the same shall be paid; and shall have power and authority to make and establish all necessary by-laws and ordinances for the collection of the same; and every assessment of tax lawfully imposed by the said common council on any lands, tenements, and hereditaments, or premises whatsoever in said village, shall be and remain a lien upon such lands, tenements, and hereditaments from the time of imposing such tax until paid, and the owner or occupant, or parties interested respectively in said real estate, shall be liable on demand to pay every such tax to be levied as aforesaid. The highway tax shall constitute a street fund, and the same shall be expended by contract or otherwise, under the supervision of the marshal, acting as street commissioner, or one or more deputy street commissioners that may be appointed by the common council, upon the streets, lanes, and alleys, and public grounds of the vil-
- For fire department.**
- For highway taxes.**
- Additional taxes.**
- Lawful tax a lien.**
- Street fund, how expended.**

lage, in surveying, opening, working upon, repairing, and grading such streets, lanes, alleys, and public grounds, and in constructing bridges in said village.

SEC. 24. The common council shall have power to assess and collect from every male inhabitant of said village, over the age of twenty-one years (except paupers, idiots, and lunatics), a list of whom shall be made by the assessors at the time of making their annual assessments, an annual capitation, or poll tax, not exceeding one dollar, and they may provide by the by-laws for the collection of the same: *Provided*, That the money received by such poll tax shall be paid into the treasury to the credit of the street fund, and expended in opening, making, and repairing the streets in said village.

Poll tax.

Limit.

Proviso.

SEC. 25. The assessor of said village shall, once in each year, between the third Monday of April and the fourth Monday in May, make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupants, or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so made and completed, they shall give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, stating the place where such roll is left for inspection of all persons interested, and of the time when, and place where, they will meet to hear the objections of any person interested in the valuation so made by them; and at the time and place so appointed, the assessors shall meet, and on application of any person considering himself or herself aggrieved, may review and reduce the said valuation on sufficient cause being shown, on oath, to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the said assessors, such persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation. And the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll. The assessors shall make and complete the said assessment roll, and deliver the same to the recorder, on or before the second Monday in June in each year: *Provided*, That the assessment roll for the present year may be made at such time as shall be prescribed by resolution of the common council.

Duties of assessor.

Assessment roll, contents of.

Notice of time for inspection.

Meeting of assessors.

Application for reduction.

Appeal to common council.

Correction of roll.

When delivered.

Proviso.

SEC. 26. It shall be the duty of the recorder, under the directions of the common council, whenever the said assessment roll shall have been completed in each and every year, to assess the taxes that have been levied by the common council for the year, adding thereto, and to all other taxes required by law to be assessed by him, not more than four per cent for collecting expenses upon the tax-

Duty of recorder

Assessment of taxes, etc.

Collection expenses.

Copy of roll to be delivered to marshal.

Warrant annexed.

Marshal commanded to collect.

Refusal to pay.

Marshal to demand payment.

Distress and sale.

Return of roll.

Statement of taxes unpaid.

When new warrant may be issued to marshal.

Collection enforced.

able property in said village, according and in proportion to the individual and particular estimate and valuation as specified in the assessment roll for the year. He shall thereupon deliver to the marshal a copy of said assessment roll with the taxes for the year annexed to each valuation, and carried out in separate columns for each separate fund, and carry out the total amount of taxes in the last column of said assessment roll, and shall annex thereto a warrant, under the hands of the recorder and president and the seal of the village, commanding the marshal to collect from the several persons named in said roll the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in said warrant, and it shall authorize the marshal, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

SEC. 27. The marshal, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the village, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the marshal shall levy the same by distress and sale of the goods and chattels of every such person, whenever found within the village, and may take any property that may be taken by township treasurers in the collection of taxes; he shall give the same notice and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made. The said marshal shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said tax roll into the office of the recorder; and in case any of the taxes mentioned in said roll shall remain unpaid and he shall be unable to collect the same, he shall make out a statement of the taxes remaining due and unpaid, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such taxes.

SEC. 28. Whenever the marshal shall not be able to collect any village tax on personal property, on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the marshal for such tax, and thereupon said warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the marshal shall charge interest on all such taxes at ten per cent per annum from the time of returning the tax roll until the day of collection. It shall also be lawful for the marshal, in the name of the village, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce payment of any such tax. Executions issued upon judgments rendered for

every such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any village taxes, and the proceedings of any officer with such execution shall be the same in all respects as is now directed by law. The production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, with the warrant annexed, of the village, be read in evidence, and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Executions, how levied.

Assessment roll as evidence.

Judgment.

SEC. 29. The recorder shall, immediately after receiving the said statement, transcribe the same into a book to be provided and kept for that purpose, and shall, under the direction of the common council, and in pursuance of the ordinances or resolution of said council, proceed to sell at public sale so much of said lands so returned on account of the non-payment of the taxes thereon, as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which sale shall be given by publication in a newspaper, published in said village, once in each week for four successive weeks preceding such sale; and the said recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing describing the lands purchased, and the time when the purchaser will be entitled to a deed for the same; and in case a less amount than the whole of any such description should be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: *Provided*, That if any parcel of land cannot be sold to any person for the taxes and charges, the recorder shall bid the same off to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser thereof. Upon the completion of said sale the said recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax, and amount for which the same were sold, and the names of the purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer, and said recorder shall also pay to said treasurer at the same time all the moneys received upon said sale.

Sale of lands for taxes.

Notice of sale.

Certificate of sale.

Proviso—lands bid off to village.

Statement of sale.

Disposition of moneys.

SEC. 30. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying to the treasurer of said village the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest

Redemption of lands.

thereon at the rate of twenty-five per cent per annum, fifteen per cent of which shall be paid to the purchaser, but in no case shall the interest be computed for a less time than three months from the day of sale, whereupon the treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof, and he shall, at the expiration of the year after the making of said sales, deliver to the recorder of said village a statement of all the lands that have been redeemed as aforesaid, and the accounts paid for such redemption.

Certificate of redemption.

Conveyance of lands sold for taxes.

SEC. 31. Upon the presentation of any such certificate of sale to the recorder, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall, unless such lands have been redeemed from sale as aforesaid, execute to the purchaser, his heirs or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon, and the said conveyance shall be *prima facie* evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessors to the date of the deed inclusive; and every such conveyance duly made and acknowledged may be given in evidence in all the courts of this State, in the manner and with the like effect of any other conveyance of real estate, or any interest therein, and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned for non-payment by mistake or otherwise improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the land therein described has been conveyed as aforesaid, and thereupon the recorder shall draw an order upon the treasurer, countersigned by the president, for the amount of the purchase money, and no deed shall be given upon such certificate of sale.

Legal value of same.

Cancelling certificate.

Powers and duties of marshal.

SEC. 32. The marshal shall collect all taxes levied in and for said village, and be a police constable and serve any and all papers and processes that may be lawfully delivered to him for service, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled [to] for similar services; he shall see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the president of common council, and shall also attend the meetings of the common council, and may command the assistance of any and all persons in discharge of the duties imposed on him by law; he shall also, under the direction of the common council, see to the making, grading, and paving, repairing and opening of all streets, lanes, alleys, bridges, and sidewalks, within said village, unless the common council shall devolve the same upon one or more street commissioners that they are hereby authorized to appoint; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the by-laws and ordinances of the village, and forthwith take such person before any justice of

Improvement of streets.

Apprehend offenders.

the peace of the township of Hancock, to be dealt with as the by-laws and ordinances of this act shall provide; and may apprehend and imprison any person found drunk in the streets until such person shall become sober; he shall pay over all moneys by him received, by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time, and in such manner, as the common council may direct; and he shall perform all the duties that may be required of him by the by-laws, ordinances, or resolutions passed by said common council.

Drunkards.

Moneys to be paid over to treasurer.

Treasurer shall have custody of moneys.

SEC. 33. The treasurer of said village shall have the custody of all the money and evidences of value belonging to the village; he shall keep an accurate account of all receipts of money and expenditure thereof; he shall pay no moneys out of the treasury except in pursuance of and by authority of law, and upon a warrant signed by the recorder, and countersigned by the president, which shall specify the purpose for which the amount is to be paid; he shall keep an accurate account of, and be charged with moneys received for each fund of the corporation, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which such warrant was issued, and having the name of such fund endorsed thereon by the recorder. He shall exhibit to the common council annually, and as often, and for such periods as may be required, a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement, showing the financial condition of the treasury, which account, report, and statement shall be filed in the office of the recorder.

Account of receipts and expenditures.

SEC. 34. The recorder, treasurer, attorney, marshal, and all other officers of said village shall receive such compensation for their services as the council may think right and proper, unless the same is fixed by the provisions of this act; but the president and trustees shall receive no compensation for their services.

Compensation of officers.

SEC. 35. The common council shall, at least once in each and every year, cause to be published a just and true account of all the moneys received or expended by them in their corporate capacity during the year, or other period next preceding such publication, previous to which they shall audit and settle the accounts of the treasurer, marshal, and the accounts of all other officers or persons having claims against the village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, and which statement shall fully specify all the appropriations made by the common council, and the object and purpose for which the same were made, and the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Council shall publish account of moneys, etc.

Settle with officers.

Make statement of receipts and expenditures.

SEC. 36. Any justice of the peace of the township of Hancock is hereby authorized and empowered to inquire of, hear, try, and de-

Jurisdiction of justices of township.

termine, in a summary manner, all the offenses which shall be committed within the limits of said village against any of the provisions of this act, or against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act; to punish the offenders as by this act, or by the by-laws or ordinances, shall be prescribed or directed; to award all processes, and take recognances for the keeping of the peace, for the appearance of the person charged and upon appeal, and to commit to prison, as occasion shall lawfully require.

Prosecutions.

SEC. 37. In all prosecutions for the violation of any of the ordinances passed by the said common council, upon complaint being made upon oath before said justice, setting forth therein the substance of the offense complained of, such justice shall issue a warrant in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of said village, or any constable of the township of Hancock, and such process

Process, by whom executed.

may be executed by any of said officers anywhere within the county of Houghton, and shall be returnable the same as any other similar process issued by justices of the peace, that upon bringing the person so charged before said justice of the peace he shall plead to said complaint, and in case of his refusing to plead thereto or standing mute, the said justice of the peace shall enter the plea of not guilty for the person so charged, that upon the said complaint and plea a trial shall be had, and upon conviction of said offender

Fine.

Execution.

and the imposition of a fine, it shall be the duty of the justice to issue an execution, directed to the marshal of said village, or any constable of said township, commanding him to collect of the goods and chattels of the person so offending the amount of such fines, with interest and costs, and for want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant

Imprisonment.

and commit him to the common jail of said county, and the sheriff shall keep the body of the person so committed until he be discharged by due course of law, and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law, and in case where both fine and imprisonment are imposed upon the person so convicted by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect; and it shall be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council, and all persons committed by any justice for the violation thereof shall be in the custody of the sheriff of said county, who shall safely keep the person so committed until lawfully discharged as in other cases: *Provided*, That the common council may remit any such fine in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Use of county jail.

Proviso.

Trial by jury.

SEC. 38. In all trials before any justice of the peace under the provisions of this act, if any person charged with any violation of

any by-laws or ordinances of the common council, he shall be entitled to a trial by a jury of six persons, and all [the] proceedings for selecting and summoning such jury, and in the trial of the case, shall be in conformity as near as may be with the mode of proceeding in similar cases before justices of the peace; and in all cases the right of appeal from the justice's court to the circuit court for the county of Houghton shall be allowed to the parties, and the same recognizance shall be given as is or may be required by law in appeals from justices' courts in similar cases. Right of appeal.

SEC. 39. All fines recovered for the violation of any by-law or ordinance of said common council shall be paid to the treasurer of said village, by the officer receiving the same, immediately after the receipt thereof, and any person who shall refuse or neglect to pay the same as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment at the discretion of the court. Fine moneys to be paid to treasurer.
Penalty for neglect.

SEC. 40. In all suits or proceedings in which the corporation of the village of Hancock shall be a party, or shall be interested, no inhabitant of said village shall be deemed incompetent as a witness or juror on account of his interest in event of such suit or action: *Provided*, Such interests be such only as he has in common with the inhabitants of said village. Inhabitants competent as witnesses, etc.
Proviso.

SEC. 41. Whenever any action or suit shall be commenced against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy with the recorder at his office, or in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof, and the recorder shall thereupon inform the common council thereof. Suits against corporations, how commenced

SEC. 42. No person or persons shall exhibit within said village any circus, menagerie, theater, or theatrical performance, or as common showmen, without being first duly licensed therefor by the common council, under a penalty of one hundred dollars for every offense, and to be imprisoned in the county jail for thirty days, and until such penalty shall be paid, or he shall be discharged by law, and any person offering to exhibit any such circus, menagerie, theater, or theatrical performance, or as common showmen, without such license, may be forthwith arrested by the marshal, or any constable residing in said township, and brought before any court having jurisdiction thereof, and upon conviction thereof shall be fined the sum of one hundred dollars, and stand committed to the common jail until paid, or until discharged according to law. License to showmen.
Penalty when not procured.

SEC. 43. No person shall be licensed to keep a billiard table, or ball alley, or any pin alley within said village, by the common council, for a less sum than twenty-five dollars, and any person keeping such billiard table, ball alley, or pin alley, without a license from the said common council therefor, shall forfeit and pay to the said village the sum of twenty-five dollars for every day's offense. Any person who shall keep any gambling house, or place of resort License for billiard tables, ball alleys, etc.

Fine for gambling.

for persons to gamble within said village, and all persons who shall resort to any such place and gamble, or for the purpose of gambling, shall forfeit and pay for the use of said village a sum not to exceed twenty-five dollars for each and every offense.

Council shall cause a survey of streets, alleys, etc.

SEC. 44. The common council is authorized to cause such of the streets, highways, alleys, and lanes in said village as shall have been used for six years or more prior to the passage of this act as public highways, streets, lanes, or alleys, which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described, and recorded in the office of the village recorder, in a book to be denominated the book of "Street Records," and the common council shall cause a survey or description and plat of every public ground, highway, park, street, lane, and alley, or part thereof which shall hereafter be opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in said book of "Street Records," and such record shall be presumptive evidence of the existence of such public ground, park, highway, lane, alley, or that part thereof therein described, and of the boundaries and grades thereof; and a copy of any ordinance or resolution of the common council, vacating or closing any public ground, park, highway, street, lane, alley, or any part thereof, shall also be recorded in said book of "Street Records," and the same shall be evidence as aforesaid.

Street records.

Special tax for improvements.

SEC. 45. The common council shall have power to assess and levy at any time by a special tax, the expense of making, grading, paving, opening, and repairing streets, lanes, and alleys, and of putting curb-stones and culverts therein; of grading, paving, or planking and repairing sidewalks; of draining low lands; of making drains and sewers, and other local improvements upon the lots, premises, and subdivisions thereof which are in front of, and adjacent to, such streets, sidewalks, drains, sewers, and other improvements, and upon other lots and premises which in the opinion of the common council are benefited thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting any such tax, which shall be exclusive of and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid, the land may be sold therefor in the same manner as for ordinary taxes.

Enforcement of collection.

Owners of property to construct sidewalks, etc.

SEC. 46. Whenever the common council shall deem expedient, they may by ordinance, resolution, or otherwise, require the owners or occupants, or either, of land in said village, or any specified part thereof, to construct, repair, maintain, and reconstruct sidewalks, pavements, and other street improvements in any street, lane, or alley, adjoining their respective lots or premises, to the middle of said street, lane, or alley, in such manner and with such materials as the common council by ordinance, resolution, or otherwise, may direct; but with reference to paving, this shall apply only to streets that are graded, and when enforced for the purpose of paving any such streets outside of the sidewalks on said streets, the paving may be done at the public expense, or if assessed upon the property

Property assessed for paving exempt from further taxes for highway purposes.

adjoining that portion of said streets ordered to be paved, said property so assessed for paving may be exempted from further taxes thereafter for highway purposes in the direction of the common council, and if the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served, or published as the common council may direct by ordinance, resolution, or otherwise, shall fail or neglect to construct, repair, maintain, and construct any sidewalk or pavement, or other street improvement, or to plank any street, or to clear away any snow, ice, or other obstruction from any sidewalk adjoining to such lot or premises, within such time and in such manner, and with such materials as the common council may prescribe or require by ordinance, resolution, or otherwise, the common council may cause the same to be done at the expense of the village; and such expense shall be deemed a special assessment upon such lot or premises, and the common council may add the same to the account of the general village tax on such lot or premises, in the tax roll next hereafter to be made; and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid, the land may be sold therefor in the same manner as for ordinary village taxes.

Neglect of owner to construct sidewalks, etc.

Council may cause same to be done.
Expense added to tax roll.

Tax a lien.

SEC. 47. Before any account or demand of any person against said village shall be audited, allowed, or paid, the same may be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates, in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Accounts verified by affidavit.

SEC. 48. The common council of said village may borrow, for the time being, in anticipation of receipts from the sale of cemetery lots, as hereinafter in this section provided, or in anticipation of receipts from general village taxes, such sums as they may deem necessary, not exceeding twenty-five hundred dollars, for the purpose of purchasing land for a village cemetery, and may issue bonds of the village therefor, which bonds shall be so drawn that no greater amount than one thousand dollars of the principal thereof, exclusive of interest, shall become due in any one year, and the bonds so issued, and the money so borrowed, shall be a separate and distinct fund, to be known as the "cemetery fund," and the common council are hereby authorized and empowered to locate, either within or without the limits of said village, and purchase with said fund for such purpose, a tract of land not exceeding twenty acres, which shall be conveyed to said common council; and the common council are hereby authorized and empowered to have the management, control, and supervision of any such ground so purchased by them, and shall cause the same to be properly surveyed and laid out, and shall cause two maps thereof to be made, which maps shall accurately describe the ground purchased, with the lots or subdivisions named or numbered thereon, and also their size, situation, and extent, with the width, extent, and location of all the streets, alleys, or walks in such

Council may borrow money for cemetery purposes.

May issue bonds.

Cemetery fund.

Cemetery grounds, purchase of.

Survey of.
Maps of.

Sale of lots.	grounds, which map shall be certified by said council to be a correct map of the cemetery grounds of said village; one of said maps shall be filed in the office of the recorder of said village, and one in the office of the register of deeds of the county in which such ground is situated; and the common council may contract, sell, and convey the lots in said ground, and the proceeds thereof shall be appropriated for the following purposes, in the order mentioned;
Survey.	<i>First</i> , To defray the expenses of said survey and maps;
Fencing.	<i>Second</i> , For fencing around said ground;
Payment for grounds.	<i>Third</i> , To pay for said ground;
Improvement of,	<i>Fourth</i> , To improve, ornament, and beautify said ground and the appurtenances thereto belonging, and for such other purposes relating to said cemetery as the council may deem best. All moneys received for lots sold, or in any way accruing to the credits of said fund, shall be immediately paid by the person receiving the same, to the treasurer of said village; and it shall be the duty of said treasurer to keep in a proper book a separate and distinct account with said cemetery fund, charging thereto all moneys received by him belonging to said fund; the common council may set off a part of said ground as a potter's field, and under proper regulations permit the dead to be buried therein; the common council may appoint a sexton to take charge of and watch over such ground, who, by virtue of such appointment, shall have the power of a village policeman, and may arrest without process any person found violating any ordinance or by-laws of said village relating to said ground, the property and appurtenances thereto belonging; and the common council are hereby authorized and empowered to enact all such ordinances and by-laws as they may deem necessary for the protection and preservation of monuments, tombstones, bridges, trees, shrubbery, property, ornaments, and improvements therein, and the fences in and around the same, and for the orderly conduct and good government thereof. The common council shall have power to establish and maintain hydraulic works, the question having first been submitted to the qualified electors, and a majority voting in favor thereof, within the limits of said village, for a supply of water works for fire purposes and for domestic use, and in order that provision can be made for such expenditure the common council may levy a tax upon the general valuation of property of the village, but the amount of such tax levied shall not exceed an amount of one half of one per centum upon such valuation during any one year.
Treasurer to receive all moneys.	
Account with cemetery fund.	
Potter's field.	
Sexton.	
Power of.	
Ordinances relating to cemetery.	
Hydraulic works.	
Question to be submitted to electors.	
Council may levy a tax. Amount of tax limited.	
Money borrowed for fire engine, etc.	SEC. 49. The common council of said village may borrow for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue bonds of the village therefor: <i>Provided</i> , That the council shall not borrow to exceed five thousand dollars for the purpose of buying a fire engine or building an engine house, and other necessary fire
Proviso.	

apparatus, unless authorized to borrow a greater amount by a vote of the qualified electors of said village, at their annual election, which vote may be taken *viva voce*, or otherwise, as the council shall determine and direct: *And provided further*, That no greater amount than one thousand dollars of the principal thereof, exclusive of interest, shall be made to become due in any one year. Further proviso.

SEC. 50. The common council, in addition to its powers under this act, and subject to and consistent with its provisions, shall have exclusive power within the limits and jurisdiction of said corporation: Additional powers of council.

First, To provide for and preserve the salubrity of the water of Portage Lake, to prohibit and prevent the depositing therein of all filth and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of said Portage Lake within the corporate limits of the village of Hancock; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and regulate the stationing, anchoring, and mooring of vessels, and laying out of cargo ballast from the same; Preservation of the salubrity of waters of Portage Lake.

Second, To erect, repair, and regulate, or to have erected, repaired, and regulated, public wharves and docks at the end of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks so they shall not extend into Portage Lake beyond a certain line to be established by the common council, and to prohibit the incumbering of all public wharves and docks with boxes, carriages, carts, drays, sleighs, sleds, and other vehicles, or things, whatever; Relative to navigation.

Third, To lease the wharves and wharfing privileges at the end of streets on Portage Lake, in said village, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct, and may determine what buildings may be erected thereon. No lease thereof shall be executed for a longer period than ten years; and a free passage at all times shall be secured for all persons with their baggage over said public wharves: *Provided*, Nothing in this act contained shall be construed to vest in said corporation, or any officer thereof, any right to the water or to the land included within the limits of said village; nor any power to erect, or cause or authorize to be erected, any wharf or other thing on the said lands to the water, and land in front of said land, and to fill in the water and erect fixtures thereon, shall remain and vest in said proprietors as if this law had not been passed; Wharves, docks, etc.

Fourth, To appoint one or more inspectors, measurers, weighers and gaugers of articles to be inspected; measured, weighed and gauged; to prescribe their powers and duties, fees and compensation; Leasing of wharves, etc.

Fifth, To enact and provide for the erection of a town hall, and all needful buildings and offices for the use of the corporation or its officers, and to regulate and control the same. Limit of lease.

Proviso—lands not to vest in corporation.

Inspectors of weights and measures.

Public buildings.

Inhabitants
liable to laws,
etc.

SEC. 51. The inhabitants of said village shall be liable to the operation of any and all the laws relating to township government, except so far as herein otherwise provided.

Public act.

SEC. 52. This act shall be deemed a public act, and shall be favorably construed in all courts and places.

SEC. 53. This act shall take immediate effect.

Approved March 19, 1875.

[No. 275.]

AN ACT to extend the time for the collection of taxes in the township of Pine Grove, in the county of Van Buren, for the year eighteen hundred and seventy-four.

Time for col-
lection of taxes
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Pine Grove, in the county of Van Buren, for the year eighteen hundred and seventy-four, be and the same is hereby extended until the first Monday of September, eighteen hundred and seventy-five.

Collection and
return of taxes.

SEC. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns any time before the first Monday of September next, and the said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid until the first Monday of September next.

Warrant contin-
ued in force.

Paying over of
moneys and
renewal of bond.

SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected by him during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Transcript of
unpaid taxes to
be returned to
Auditor General.

SEC. 4. A transcript of all unpaid taxes returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy-four, duly returned to the auditor general for non-payment.

SEC. 5. This act shall take immediate effect.

Approved March 19, 1875.

[No. 276.]

AN ACT to detach certain territory from the present township of Central Lake, in the county of Antrim, and organize the same into a separate township, to be known as the township of Echo.

Territory
detached from
Central Lake and
organized into a
township by the
name of Echo.

SECTION 1. *The People of the State of Michigan enact*, That township number thirty-one north, of range number seven west, now forming a part of the township of Central Lake, in the county of Antrim, be and the same is hereby set off from the residue of

said last named township, and organized into a separate township to be known as the township of Echo.

SEC. 2. The first annual meeting in said township of Echo shall be held on the first Monday of April next, at the house of Noble J. Marsh, in said township, and L. D. Cole, Edward Hebden, and Calvin Bennett are hereby made and constituted a board of inspectors of said township election.

First election, when and where held.
Inspectors of election.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors, or a majority of them.

Of failure to hold township meeting at time named.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election to choose from the electors present suitable persons to act as inspectors of said election, in place of such inspectors who shall neglect or be unable to attend said board.

Failure of inspectors to attend.

SEC. 5. This act shall take immediate effect.

Approved March 20, 1875.

[No. 277.]

AN ACT to incorporate the city of Mason under act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," approved April nineteen, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact, That* the following territory to-wit: entire sections four, five, eight, and nine, in the township of Vevay, in the county of Ingham, and State of Michigan, being township number two north, of range one west, in said county of Ingham, be and the same hereby is constituted a city corporate, by the name of the city of Mason, under and subject to the provisions of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," approved April nineteen, eighteen hundred and seventy-three, which act shall constitute the charter of said city, except the portion of chapter one of said act relating to proceeding on the part of cities and villages to become incorporated under said act: *And provided,* That chapter twenty-eight of said act, relating to education and the powers and duties of a board of education, shall not be applicable to said city of Mason, and that school district number one, in said township of Vevay, and the present limits thereof, shall be in no way affected by this act, but the same shall continue as here-

Boundaries.

Corporate name.

"Act for incorporation of cities" shall constitute charter.

Proviso relative to education.

Taxes for school purposes, how assessed, etc.

tofore, subject to and governed by the general statutes of this State relating to schools and school districts. And taxes for school purposes therein shall be assessed and collected in all respects in pursuance of existing statutes relating to fractional school districts; and the clerk and school inspectors of said city, and supervisors of the wards therein shall, in relation to said school districts and the assessment and collection of such taxes, perform the same duties required of like officers in townships.

Wards.

SEC. 2. Until otherwise changed in pursuance of the provisions of said act, said city is divided into two wards, as follows: The portion of said territory embraced in said sections four and nine shall constitute the first ward; and the portion thereof embraced in said sections five and eight shall constitute the second ward.

First ward.

Second ward.

SEC. 3. This act shall take immediate effect.

Approved March 20, 1875.

[No. 278.]

AN ACT to amend an act entitled "An act to incorporate the village of Midland City," approved April three, eighteen hundred and sixty-nine, and acts amendatory thereto.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section eleven of an act entitled "An act to amend sections eleven, fifteen, twenty-six, and twenty-nine, of act number four hundred and thirty-one of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Midland City," approved April fifteenth, eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows :

President and trustees to appoint certain officers.

SEC. 11. The president and trustees shall have power to appoint all officers which they may deem necessary for said village, whose election is not provided for in this act, and to prescribe their powers and duties, and to remove the same at pleasure: *Provided*, That

Provided.

May make ordinances for the government of the village.

no officer shall be appointed or removed, except a majority of the village board elect shall vote for such appointment or removal. They shall also have power to make by-laws, ordinances, rules, and regulations, for said village, and alter the same at pleasure for the following purposes, to-wit: To maintain, preserve, and protect the public places, property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to make regulations by ordinances to prevent the opening or keeping any hotel, tavern, victualing house, saloon, or other house or place for furnishing meals, lodging, food, or drink, or billiard tables, or ball alleys, without first obtaining a license therefor, and for licensing, or taxing and regulating hotels, taverns, victualing houses, saloons, or other houses or places for furnishing meals, food, lodging, or drink, and keepers of billiard tables and ball alleys, not used for gaming; to appoint watchmen and policemen; to organize a fire department and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendi-

To protect public property.

Keeping of hotels, etc.

Fire department.

cants, drunkards, and all disorderly persons; to punish lewd, lascivious behavior in the streets and other public places; to suppress and restrain disorderly and gaming houses, billiard tables for gaming, and other devices and instruments for gaming. They shall also have power to make by-laws, ordinances, rules, and regulations to prevent and punish inordinate riding or driving in the streets of said village; to abate, prevent, and remove nuisances; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks, and public grounds; to compel the owners and occupants of lots to clear the sidewalk in front of and adjacent thereto, of snow, mud, ice, boxes, and other incumbrances and obstructions that may at any time be thereon; to regulate and prevent the use of fire-arms, and other weapons; to regulate and prevent the use of fire-works, fire-crackers, and other combustible materials, in said village; to construct and regulate markets; to regulate the vending of poultry, meat, vegetables, fruits, and fish; to regulate the sale of hay, lumber, lime, wood, and coal; to regulate the sealing of weights and measures; to maintain and regulate pounds, and restrain cattle, horses, sheep, mules, swine, and other animals, geese, hens, and other poultry from running at large; to prevent the running at large of dogs; to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village; to regulate and license cartmen, porters, hacks, and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and prevent the waste of water; to prevent bathing in the public streams in said village; to purchase grounds, construct and regulate cemeteries, and the burial of the dead; to order the use for burial purposes of any burying ground or cemetery to be discontinued whenever a majority of the electors of said village shall deem it for the public interest, and a majority of all the voters voting at such annual election shall have voted in favor of such discontinuance: *Provided*, It shall have been first submitted to the electors of said village at an annual election, the same notice being given as special elections; and to ascertain the true boundaries of the streets and alleys, and establish the grade thereof: *Provided*, When the grade of a street has been once established and worked to, it shall not be altered without the consent of the owners of a majority of the lots along such street and alleys; to cause streets, alleys, and low places to be drained and filled up at the expense of the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and may pass all necessary rules and ordinances in reference to buildings deemed to be unsafe; to purchase fire engines and other fire apparatus, and keep the same in

Drunkards, etc.
Gaming houses,
etc.

Inordinate
riding or driving.

Nuisances.

Incumbrance of
streets, etc.

Fire arms, etc.
Combustible
materials.

Markets.

Weights.

Pounds.

Dogs.

Hacks, etc.

Hydraulic
works, etc.

Public improve-
ments.
Wells and cis-
terns.
Bathing.
Cemeteries.

Proviso.

Boundaries and
grades of streets.
Proviso.

Drainage.

Fences.

Erection of
buildings.

Fire apparatus,
etc.

Fire limits, etc.	repair; to procure and construct suitable buildings to store them; to require and cause each house, store, and shop to be provided with fire-buckets and ladders; to establish fire limits, within which no wooden building shall be allowed to be built, enlarged, or placed; to regulate partition walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing mills, shingle mills, bakeries, and other buildings considered hazardous; to prohibit the erection of any building, or the carrying on of any business deemed extra-hazardous in any place in said village which they may consider unsafe; to guard against fire; to regulate the duties, powers, and fees of village officers;
Regulations for the prevention of fires.	to regulate the setting of posts and shade trees, of building and erecting awnings; to require the construction and repair of sidewalks, and prescribe their width, and the manner of building the same. The village board shall have power to assess and levy at any time, by special tax, the expense of making, grading, paving, planking or repairing sidewalks, upon the lots, premises, and subdivisions thereof, in front of and adjacent to which said improvements are made: <i>Provided</i> , That no such improvements shall be made unless a petition duly signed by twelve freeholders of said village, asking that such improvement be made, shall have been presented to the village board: <i>And provided</i> , That the expense of making all such improvements in front of and adjoining property and buildings of said village, and of making and repairing all crosswalks, shall be paid from the general highway fund.
Setting of posts and shade trees.	
Power to assess, levy, and collect special tax.	
Proviso.	
Further proviso.	

SEC. 2. This act shall take immediate effect.

Approved March 20, 1875.

[No. 279.]

AN ACT to incorporate the village of Blissfield, in the township of Blissfield, Lenawee county, Michigan.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situate in the township of Blissfield, in the county of Lenawee, and State of Michigan, and described as follows, viz.: The southwest quarter of section twenty-nine (29), the south three-fourths of section (30), the east half of the northwest quarter of section thirty-one (31), the northeast quarter of section thirty-one (31), the east half of the southeast quarter of section thirty-one (31), the southwest quarter of section thirty-two (32), and the northwest quarter of the southeast quarter of section thirty-two (32), the west half of the northeast quarter of section thirty-two (32), the northwest quarter of section thirty-two (32), be and the same is hereby created and incorporated into a village to be called and known by the name of the village of Blissfield.

Officers.

SEC 2. The officers of said village shall consist of a president, six trustees, a village clerk, assessor, treasurer, marshal, street commissioner, and one constable. The president, clerk, assessor, treas-

urer, marshal, street commissioner, and constable shall hold their respective offices for a term of one year, and until their successors shall be elected and qualified. The trustees shall hold their respective offices for a term of three years and until their successors shall be elected and qualified; subject, however, to the following regulations, that is to say: at the first election two trustees shall be elected for a term of one year, and two trustees for a term [of] two years, and two trustees for a term of three years. The president shall be elected from the electors of the west side of the river, running through said village, one year, and from the electors of the east side of said river the next year, and so alternately. Three of the trustees at the first election shall be elected from the electors of the west side of said river, and three from the electors of the east side of said river, and annually thereafter one trustee shall be elected from the electors of the west side of said river, and one trustee from the electors of the east side of said river, and the electors of said village shall meet on the first Monday in April, eighteen hundred and seventy-five, at the place where the township elections are generally held, for the purpose of electing the officers of said corporation, and the polls shall be open from the hour of eight o'clock in the forenoon until twelve o'clock, and from one o'clock until four o'clock in the afternoon, and the annual election shall be held on the first Monday of April in each year thereafter, and the polls shall be open from eight o'clock in the forenoon until twelve o'clock, and from one o'clock until four o'clock in the afternoon.

Term of office of president, etc.

Of trustees.

President to be elected alternately from east and west side of river.

Election of trustees.

Time and place of first election.

Time of annual election.

SEC. 3. The president and trustees shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village. He shall preside at the meetings of the board, and it shall be his duty to see that all officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of the president. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting printed or written notices in three public places in said village, or by causing the same to be published in some newspaper printed in the village, and at the close of the polls the ballots shall be counted and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice in writing to the persons elected, who shall enter upon their duties on the ensuing Monday. Any two of the trustees who may be selected by the village board (one to be taken from each side of the river above referred to) may be inspectors of the election; the clerk of the village or his substitute shall be clerk of the election board, and the inspectors and clerk shall take an oath, to be administered by the president, or in his absence by one of the class of oldest trustees, to faithfully and honestly discharge their duties as inspectors and clerk of election,

Village board.

President chief executive officer.

Clerk to give notice of election.

When officers to enter upon duties. Inspectors of election.

Oath of inspectors and clerk.

- and said board shall have such power to preserve the purity of election as is now or may be hereafter given to township boards of election.
- Oath of officers.** SEC. 4. The president, and every other officer elected under the provisions of this act, before entering upon the duties of his or their office, shall take and prescribe an oath or affirmation of office, which may be administered by any trustee or other person authorized to administer oaths, to support the constitution of the United States and of this State, that he will faithfully and impartially discharge the duties of his office according to his best ability; a record of which oath, or affirmation, shall be made and kept by the clerk, who shall attend all meetings of the board, keep a full and accurate record of the proceedings, and perform such other duties as shall be assigned him by this act and the by-laws and ordinances of the said village.
- Clerk to keep records, etc.**
- Body corporate and politic.** SEC. 5. The president and trustees of said village shall be a body corporate and politic, with the same powers as the township boards in addition to those granted by this act, under the name of the president and trustees of the village of Blissfield, and may have a common seal, which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, under the corporate name; but when any suit shall be commenced against the corporation the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least six days before the return day thereof: *Provided*, That in case such summons cannot for any reason, be served upon the president it may be served on any one of the trustees.
- Corporate rights.**
- Suits against corporation, how commenced.**
- Proviso.**
- Purposes for which village board may pass and enforce by-laws, ordinances, etc.** SEC. 6. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, the same to alter and repeal at pleasure, for the following purposes, viz: for the preservation and maintenance of corporate property, and public places and buildings of said village; to prevent riots and disturbances and disorderly assemblages; to appoint watchmen and policemen; and organize and maintain a fire department, and define their duties and prescribe penalties for delinquencies; restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewdness and lasciviousness in the streets, or any other places; to suppress and restrain disorderly houses, or gaming houses, and all other devices and instruments of gaming, and shall have the exclusive power and authority to license such persons as tavern keepers and common victualers as they shall think best; and to prevent the selling or giving away of spirituous or intoxicating drinks to drunkards, minors, or to any person, after they shall have been notified by the wife, mother, brother, father, guardian, or by the village board, when, by resolution, they forbid the selling or giving away of said spirituous or intoxicating drinks to said person or persons; to prevent and punish immoderate riding or driving in the streets; to abate, prevent, and remove nuisances; suppress all disorderly houses and houses of ill-fame, and to punish the inmates and keepers thereof; to prevent and compel the re-

removal of all incumbrances, incroachments, and obstructions upon the streets and walks, lanes, parks, and public grounds; to compel the owners and occupants of lots to clear sidewalks in front of and adjacent thereto, of dirt, mud, boxes, and every incumbrance and obstruction thereto; to regulate the storage of powder, lumber, or combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, and fireworks; to regulate the sale of hay, wood, lime, lumber, and to maintain and regulate pounds, and provide for the restraint of horses, cattle, sheep, mules, and other animals; to establish wells and cisterns, and prevent the waste of water; to borrow money on the credit of the corporation for public improvements, not exceeding three thousand dollars in any one year; to purchase grounds for and regulate cemeteries and the burial of the dead, and to provide for the returns of the bills of mortality, and to order the use for burial purposes of any burial grounds or cemetery to be discontinued whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, establish, and settle the boundaries of all the streets and alleys, and to establish grades therefor; to regulate the building of partition and other fences; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to regulate the construction of smith shops, planing establishments, bakeries, and all other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers, and fees of the village officers; to preserve posts and shade trees; to provide for the construction of sidewalks, and repairing the same, and also to prescribe the manner of planking or paving them, the costs and expenses of which to be paid by assessment on the lots in front of or adjoining which either or all of said improvements shall be made, but not otherwise; but no one of said improvements shall be made unless the individuals owning one half of the property to be assessed for the said improvements shall petition the president and trustees for that purpose; to construct and keep in repair the public highways, bridges, culverts, and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying of highway and other taxes; to provide for the taking of a census whenever they shall see fit; to regulate theaters, shows, and concerts; to regulate and tax at their discretion, auctioneers, auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers; to rail and curb, when necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes, not exceeding one per cent for each year, upon the assessed valuation thereof, unless the same shall be levied for the purpose of canceling the indebtedness of said corporation, and then the same shall not exceed three per cent upon the assessed valuation thereof, exclusive of school and highway taxes, on personal and real estate within the limits of the village, excepting property belonging to the village, town, county, or State, excepting also all places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively

Prevent encum-
bering of streets,
walks, etc.

Vacate streets
and alleys.

Taking of private property.

Penalties for violation of by-laws, etc.

Appellate jurisdiction of circuit court.

Taxes a lien upon real estate.

Publication of financial report.

Assessment roll.

Review of roll.

Alteration and correction of.

Delivery of roll to marshal for collection.

for educational purposes; to take the land of any individual for the purposes of constructing, widening, or extending streets, but not until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he may sustain, as provided for in this act; for the violation of any by-laws, rules, and regulations such reasonable penalties and fines may be imposed, by the law itself, as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in said township of Blissfield, and any interest the inhabitants of the village of Blissfield, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror, or be a witness therein, and the circuit court of the county shall also have appellate jurisdiction over all fines and penalties imposed by said by-laws.

SEC. 7. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, and extending, paving, and grading, planking, or repairing, a street or alley, or making, or repairing sidewalks, shall remain a lien upon said real estate until paid.

SEC. 8. The president and trustees shall, at the expiration of each year, cause to be made and published, a report of all the receipts and expenditures, in detail, of the preceding year.

SEC. 9. The assessor of said village shall, in April of each year, make an assessment roll containing a description of all the real estate liable to taxation in said village, and the name of the owner, occupant, or agent, if known, and shall set down in such roll, opposite each description of property, its fair valuation in cash, and shall set down in such roll, opposite the name of each and every resident of said village, the fair valuation in cash of all the personal property owned by him or in his possession in said village, in a separate line from the valuation of real estate, and it shall be the duty of the president and assessor, on the first Monday of May in each year, to be present at the usual place of holding the meetings of the village board, and have with them the assessment roll prepared as above, for the purpose of reviewing the same, that any person considering himself or herself aggrieved may be heard; and the said president and assessor shall then and there make such alterations or corrections as shall be made to appear to them necessary to make the assessment just, equal, and fair with and between all the parties concerned; and the assessor shall, as soon thereafter as practicable, proceed to estimate and set down in a column left for that purpose, opposite the several sums set down as the value of real and personal estate in such assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall afterwards cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand of such assessor, directing and requiring him, by a certain day therein named, not less than sixty days from the date of said warrant, to collect from the several persons named in said roll the several sums set opposite

their respective names as a tax, and authorizing him, in case they or any of them shall neglect or refuse to pay the same, to levy the same by distress and sale of his or her goods or chattels, together with the costs of such distress and sale; and the time for collecting taxes may be extended from time to time as the village board may direct; and when assessment shall be made for any special improvement, it shall be legal if not made at the time of making the general list of regular annual assessment for general purposes, but such special assessment shall be made in a manner altogether similar to the general list, except as to time of making it; and notice of the time and place of the reviewing such assessment shall be given by the president and assessor, by causing a notice to be published in a paper printed in said village, if there be one, once in each week for two successive weeks next preceding the day of reviewing, and by causing a notice to be posted in three public places in said village.

Special assessment.

Review of.

SEC. 10. If any person shall neglect or refuse to pay the sum or sums at which he shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers, and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment with the charges of the distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Sale of goods and chattels for taxes.

Notice.

SEC. 11. The tax upon real estate, with the assessment for the purpose named in the seventh section of this act, shall be put down in the said assessment roll by itself, in a column, and whereon any such tax or assessment, and the interest thereon, which shall be computed at the rate of ten per centum per annum until paid, shall remain unpaid for one year from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such taxes and assessments and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay said taxes and assessments and interest together, and all charges thereon, first giving seven weeks' notice of the time and place of such sale by advertisement in some newspaper printed in said village, or by written or printed notices (not less than three in number), to be posted in the most conspicuous places in said village, and the affidavit of the treasurer of such sale and the proceedings thereon shall be *prima facie* evidence of all the facts therein contained.

Sale of land for taxes.

Notice of sale.

SEC. 12. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed, and charged thereon as aforesaid, the said treasurer shall give the purchaser or purchasers of any such lands a certificate in writing describing the lands purchased, and the sums paid therefor, and the time when the purchaser or purchasers will be

When treasurer to commence sale.

Certificate to purchaser.

- Redemption.** entitled to a deed of the said lands, and unless within one year from the date of the sale thereof there shall be paid to the treasurer, for the use of the purchaser or purchasers, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty-five per centum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of one year, execute to the purchaser, his heirs and assigns, a conveyance of the land so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee, except it may be made to appear that the tax or taxes have been paid subject to all the claims the State may have thereon, and the said conveyance shall be *prima facie* evidence that the sale and all the things pertaining thereto were regular according to the provisions of this act, and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner and duly recorded may be given in evidence.
- Issue of deed to purchaser.**
- Legal value of same.**
- Fees of treasurer and expense of advertising.** SEC. 13. The treasurer of said village shall receive the same fees in cases of sales as aforesaid as are allowed by law to the county treasurer for like services, and the expenses in advertising any land for sale in pursuance of this act shall by the treasurer be added to such taxes respectively as are charged upon lands and unpaid in proportion to the amount of such person's tax as charged and unpaid.
- Disbursements.** SEC. 14. No money shall be drawn from the treasury except by appropriation by the president and trustees, and orders directing the payment of any and all sums of money shall specify the object and purpose of the same and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.
- Trustees not to become security in certain cases, or interested in contracts.** SEC. 15. No member of the board of trustees during his continuance in office shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and during the term for which he may be elected a member of said board he shall not be interested directly or indirectly in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.
- Highway moneys.** SEC. 16. All money assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.
- Bonds of officers.** SEC. 17. The president and trustees may and shall require of any of the officers appointed or elected under the provisions of this act, such security by bond for the performance of the duties of their respective offices as shall be deemed expedient, which bond shall run to the president and trustees of the corporation and their successors in office, and suit may be brought for any breach of said bond, as in other cases, before any justice of the peace of

the township of Blissfield or the circuit court for the county of Lenawee, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

SEC. 18. Any justice of the peace residing in the township of Blissfield shall have cognizance of all offenses arising under and by virtue of this act, to hear, try, and determine all cases for breaches of any ordinances and for disturbance of the peace, and they or either of them shall have jurisdiction to hear, try, and determine any and all cases that may hereafter arise within the corporate limits of said village of Blissfield, in like manner and with like effect as may be done by any justice of the peace by the laws of this State, and with like fees, and all processes shall be tested and made returnable and the proceedings shall be conducted in like manner as others prescribed before justices of the peace under the laws of this State, and appeals may be taken from judgments rendered in all cases arising under such corporation laws and ordinances, in the same time and in the same manner as provided in other cases before justices of the peace.

Justices of township to have jurisdiction of cases under village ordinances.

SEC. 19. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be constable and chief of the police, with the powers belonging to any constable of townships, having power to enter into any disorderly or gambling house, or dwelling house or any other building when [where] he may have good reason to believe that a felon or criminal is secreted or harbored, and where any person is who has committed a breach of the peace, and where any felony or other crime or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace for the township of Blissfield; to compel the citizens to aid in extinguishing fires; to serve all process issued by any justice of the peace in said township in pursuance of any law of this State; to appoint deputies with powers similar to his own: *Provided*, That nothing contained in this act shall be construed into his serving process issued by justices of the peace in civil cases.

Duties and powers of marshal.

Proviso—not to serve process in civil cases.

SEC. 20. The marshal shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of the whole number for any refusal or neglect to comply with the orders and directions of said village board, or for any gross neglect in the discharge of his official duties; but the cause of such removal shall in all cases be made a matter of record by them.

Subject to control of president and trustees.

SEC. 21. A vacancy in the office of clerk, marshal, treasurer, assessor, street commissioner, constable, or either of them, whether by death, resignation, or removal, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner. The officers of said corporation shall receive such compensation for their services as the board of trustees shall determine.

Vacancies to be filled by appointment.

Compensation of officers.

Corporation may
use county jail.

SEC. 22. The corporation shall be allowed the use of the common jail of the county of Lenawee for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, That the county shall in no manner be chargeable with the costs and expenses of such imprisonment.

Proviso—expenses
not charge-
able to county.
Exemptions of
firemen.

SEC. 23. Each member of the fire department, or of any engine, hook and ladder, bucket, or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on any jury, and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to prescribe penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Laws to prevent
fires, etc.

Street commis-
sioners.

SEC. 24. The street commissioner shall have control of the public streets, highways, and alleys, and shall see that the same are kept in repair, and shall have the same powers and shall exercise a general supervision over all of the public streets and alleys, the same as commissioners of highways exercise in the several townships, subject at all times to the control of the president and trustees, and the president and trustees shall cause a tax to be levied and collected, as taxes usually are, for constructing and repairing roads in the corporation.

Constable.

SEC. 25. The village constable shall have power to serve all processes, whether civil or criminal, the same as constables elected in townships, and shall be entitled to the same fees for like services.

Forfeitures,
penalties, etc.

SEC. 26. All forfeitures, penalties, and all fine moneys for violations of any village ordinances shall be paid to the village treasurer for the benefit of said village corporation, and shall be subject to the disposition of the council.

Village not
relieved from
township tax.

SEC. 27. Nothing in this act contained shall be construed to relieve the citizens of said village from any township tax, nor shall said act be construed to impose any responsibility on said incorporation to keep in repair or rebuild the river bridge in said corporation limits further than their proportion of the township tax for that purpose, nor shall said corporation be liable in damages for any accident or injury that persons may sustain by reason of a defective or unsafe bridge over said river.

Failure to hold
first election at
time designated.

SEC. 28. If for any reason the first election provided for in section two of this act shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in three of the most public places in said village, which notice may be given by the board of inspectors, or a majority of them.

Inspectors of
first election.

SEC. 29. W. H. Drew, William W. Bliss, and John J. Clark are hereby constituted a board of inspectors of the first election, and if for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said village who shall be present at the time designated for opening the polls of said election

to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said board.

SEC. 30. This act shall take immediate effect.

Approved March 24, 1875.

[No. 280.]

AN ACT to incorporate the village of Gaines.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. all that certain tract of land situated in the county of Genesee and State of Michigan, being in township number six (6) north, of range number five (5) east, and described as follows, to-wit: Being southeast quarter of section thirty-one (31), and west half of southwest quarter of section thirty-two (32), is hereby constituted a village corporate, known and designated as the village of Gaines.

SEC. 2. The inhabitants, residents within the boundaries afore- Body corporate. said, are hereby declared to be a corporation, and shall hereafter be known in law by the name of the village of Gaines, and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending, in any court of law or equity; and may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

OF THE OFFICERS OF SAID VILLAGE.

SECTION 1. The officers of said village shall be a president, six Officers. trustees, one clerk, one marshal, who shall also be collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act.

SEC. 2. Each of the officers named in the last preceding section How chosen. shall be chosen by ballot.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

SECTION 1. The inhabitants of said village having the qualifica- First election. tion of electors under the constitution of this State shall meet at the hotel of William Roberts, in said village, on the first Monday of March, in the year of our Lord eighteen hundred and seventy-five, and there proceed to elect one president, one clerk, one marshal, one treasurer, one assessor, and three trustees, who shall severally hold their office for one year; also three trustees, who shall severally hold their office for two years; and the inspectors of such election

Certificate of election.	shall certify thereto accordingly, immediately after the canvass shall be finished.
Term of office.	SEC. 2. At every election after the first, there shall be elected one president, one clerk, one marshal, one treasurer, and one assessor, who shall severally hold their office for one year, and three trustees, who shall severally hold their office for two years.
When to begin and end.	SEC. 3. The term of office of all officers shall commence immediately after their election and qualification, and continue until the election and qualification of their successors.
Annual elections.	SEC. 4. Elections for officers shall be held on the first Monday of March, in each year, and at such places as shall be designated by the board of trustees, except as provided for at the first election.
Of failure to hold elections at proper time.	SEC. 5. If any election of the officers of said village shall not be held on the day when pursuant to this act it should be held, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act, for the holding of the regular election.

ARTICLE IV.

OF THE QUALIFICATIONS OF OFFICERS.

Qualifications for office.	SECTION 1. The officers of said village, elected in pursuance of the provisions of this act, or appointed as hereinafter provided for, shall be residents and legal voters of said village.
Oath of office.	SEC. 2. The president, and every [other] officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, to be administered by the clerk of said village, or by any other officer authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his [ability,] a record of which oath shall be made and kept by the clerk of said village.
Official bonds.	SEC. 3. The treasurer, marshal, and such other officers as the board of trustees may require so to do, shall each respectively and severally, before they enter upon the duties of their office, execute a bond to the village of Gaines, in such sums, and with such sureties, as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their office, and honestly and faithfully account for and pay over all moneys received by them by virtue of said office, which bond, with the approval of the board of trustees endorsed thereon, certified by the clerk, shall be delivered to and filed with the clerk of said village.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

Member of board of trustees.	SECTION 1. The president shall be <i>ex officio</i> a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee.
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SEC. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded in writing, for any specific purpose, by three of the trustees or ten electors of said village.

To preside at meetings of board, etc.

SEC. 3. The president shall preside at all elections held under and by virtue of this act.

To preside at elections.

SEC. 4. The president shall see that all the by-laws, rules, regulations, and ordinances of said village are faithfully enforced, and prosecute, in the name of the village of Gaines, all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations, or ordinances passed by virtue thereof.

To enforce by-laws, etc.

SEC. 5. He shall receive and lay before the board of trustees the official reports of all officers who may be required to make such reports, and in connection therewith suggest the passage of such measures as in his judgment the necessities of the village may require.

To lay reports of officers before board.

SEC. 6. He shall appoint, by and with the consent of the trustees, two or more fire wardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him.

To appoint fire wardens, etc.

Proviso.

SEC. 7. The president shall inspect and have the supervision and control of the public property belonging to said village, and see that the same is properly cared for and kept in order.

To have control of public property.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

SECTION 1. The board of trustees shall have the control and management of all the finances and of the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village.

To have control of finances and real and personal property.

SEC. 2. The board of trustees shall have full power within said village:

First, To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act;

To define powers of officers.

Second, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;

To approve official bonds.

Third, To provide for the care, custody, and preservation of the public property of said village;

Care of property.

Fourth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them;

Supervision of officers.

Fifth, To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the

Fire department.

- safe keeping of the same, and to organize a fire department and define their duties, and prescribe penalties for their delinquencies ;
- Regulations for the prevention of fires.** *Sixth*, To establish fire limits within which no wooden building shall be built, enlarged, or placed ; to regulate party walls, chimneys, flues, and putting up stoves and stove pipes ; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous ; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings in such portions of the village as they shall deem best to provide one or more fire buckets, and to regulate the keeping of the same ;
- To prevent vice, etc.** *Seventh*, To prevent vice or immorality ; to preserve peace and good order ; to establish and maintain a competent police ; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gambling tables, or any other device or instrument for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation, or ordinance of said village ; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, imposters, and drunkards, to be apprehended and punished, and for that purpose may use the common jail of the county of Genesee ;
- To close up disorderly houses, etc.** *Eighth*, To license and regulate theatres, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village ;
- To license or prohibit exhibitions, etc.** *Ninth*, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the streets unfastened ;
- To prevent immoderate driving, etc.** *Tenth*, To prevent and remove nuisances, and to punish persons for committing the same ;
- To remove nuisances.** *Eleventh*, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance or obstruction ;
- Incumbrance of sidewalks.** *Twelfth*, To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, lumber, and other combustible material ;
- Combustibles.** *Thirteenth*, To prevent the use of fire-arms, slung-shots, metal knuckles, and other weapons ;
- To prevent the use of weapons.** *Fourteenth*, To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime and lumber ;
- Markets.** *Fifteenth*, To restrain horses, cattle, sheep, swine, mules, and other animals, geese and other fowls, from going at large in the streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls, running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same ;
- Pounds and the impounding of animals.** *Sixteenth*, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village ;
- Dogs.**

Seventeenth, To erect lamps, and cause the public grounds and such of the streets of said village as they shall deem proper, to be lighted at such times as in their judgment the wants and interests of the village may require; The lighting of streets.

Eighteenth, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend; Erection of buildings.

Nineteenth, To prevent the erection and provide for the removal of all buildings deemed unsafe; Unsafe buildings.

Twentieth, To regulate the placing and provide for the preservation of horse posts and shade trees; Horse posts and shade trees.

Twenty-first, To provide burial places, and regulate the burial of the dead in said village, and to protect and preserve the monuments, tombstones, trees and shrubbery, property, improvements, ornaments, grounds, and fences in and around any cemetery in said village, and to appoint a proper person (and provide means for the payment of the same) to have the charge and oversight of said cemetery. Cemeteries.

SEC. 3. The board of trustees shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets and highways in the several townships of this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more overseers of streets and highways, as they shall deem best. Commissioners of highways.

SEC. 4. The board of trustees may, upon the petition in writing of the majority of property-owners along the line of any proposed work, praying for the same, direct the building of sewers along the line of, or order and superintend the grading of any alley or lane in said village, and assess the cost and expenses thereof upon the lots lying on either side of and adjoining the said work, in the proportion that the frontage of each lot shall bear to the whole frontage of all the lots upon which the cost of said work is to be assessed; they shall also have full power and authority to provide for making, constructing, and repairing all sidewalks and crosswalks in said village, and for paying the costs and expenses of the sidewalks by assessment on the owners or occupants of the lots, lands, and premises in front of which sidewalks may be directed to be made, constructed, or repaired, and for all assessments for crosswalks upon the property in said village liable to taxation. To build sewers and grade alleys

SEC. 5. The board of trustees may take the land of any individual for the purpose of constructing, widening, or extending any highway, street, alley, lane, ditch, drain, or sewer, but not until such individual shall be paid therefor as provided for in article eighteen of this act. Sidewalks.

SEC. 6. The board of trustees may, at any time during the year, exercise the power of ordering fences to be removed, or of opening, discontinuing, widening, and extending any highway, street, alley, or lane within said village. May take private property for streets, etc.

SEC. 7. And for purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish, and publish, May remove fences, etc.

Publication of
ordinances.

modify, amend, and repeal by-laws, rules, regulations, and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed ninety days, or both, for any one offense, except as herein otherwise provided for, and to enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations, and ordinances shall be published [at least] for two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

Duty of clerk.

SECTION 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve, and keep all the books and papers belonging to said corporation and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations, and notices, as the board of trustees shall direct.

To keep poll list,
etc.

SEC. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office within five days thereafter.

To give notice of
elections.

SEC. 3. The clerk shall give at least ten days' notice of the time and place of holding elections under this act, by posting notices in three public places in said village.

To keep record,
etc., open for
inspection.

SEC. 4. The books and papers in the office of said clerk shall at all times on demand be produced for inspection to all electors and taxable inhabitants of said village; and, upon demand and tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a certified copy or transcript of any paper or record filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced.

Certified copies.

Absence of clerk.

SEC. 5. In the case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate.

ARTICLE VIII.

OF THE MARSHAL OF SAID VILLAGE.

Duties of mar-
shal.

SECTION 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations, and ordinances passed by the board of trustees of said village according to the provisions of this act, are enforced.

Idem.

SEC. 2. He shall be *ex officio* constable and chief of police for said village, and may serve any process issued by any officer by virtue of this act, and shall perform all such services as may be

required by the board of trustees, and shall be entitled to the same fees as constables for similar duties: *Provided*, That nothing in this act shall be construed into his serving process in civil cases. Proviso.

SEC. 3. He shall have the power to compel the citizens to aid in extinguishing fires. Fires.

SEC. 4. The marshal shall be collector of taxes in said village, and shall have full power to collect the same, as provided for in article fifteen of this act. To collect taxes.

SEC. 5. The marshal shall at all times be subject to the supervision and control of the president and trustees, and shall, whenever directed by the board of trustees, make complaint in writing, and on oath, before any justice of the peace for the township of Gaines, for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal. Supervision of marshal. Complaints.

SEC. 6. He shall report in writing to the board of trustees from time to time, as he may be required by resolution of the board of trustees, of all his actions and doings by virtue of his office, which report shall be filed with the clerk of the village. Reports.

SEC. 7. The marshal may be removed from office (but only on a two-thirds vote of the board of trustees), for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties; but the cause of such refusal shall, in all cases, be spread at large upon the records of the village. Removal from office.

SEC. 8. Any justice of the peace of the township of Gaines may hear, try, and determine all violations of the ordinances and by-laws of said board of trustees: *Provided, however*, The right of trial by jury, when demanded, shall in all cases be preserved. Justices of township may try causes for village. Proviso—trial by jury.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

SECTION 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees. Duties of treasurer.

SEC. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report in writing of all items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation. To keep account and make report.

SEC. 3. The treasurer shall not pay any money on account of said village except upon a resolution of the board of trustees, and on an order signed by the president and countersigned by the clerk. Disbursements.

SEC. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article fifteen of this act. Sales for taxes.

ARTICLE X.

OF VACANCIES IN OFFICE.

Filled by ap-
pointment.

SECTION 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees, and the said board of trustees shall, at their first regular meeting after such annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all of the duties, be subject to like responsibilities, and exercise the same powers herein provided for in the office of president.

President pro
tempore.

ARTICLE XI.

OF THE COMPENSATION OF OFFICERS.

Trustees.

SECTION 1. The president and trustees shall not receive any compensation for attendance at regular meetings of the board of trustees.

Other officers.

SEC. 2. The officers of said village (except as provided in section one of this article) shall receive such compensation as the board of trustees shall, by resolution, direct.

ARTICLE XII.

OF THE LIMITS OF TAXATION.

Taxes.

SECTION 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article), upon the taxable inhabitants of said village, and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-fourth of one per cent upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act.

Highway taxes.

SEC. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to taxation in said village, not exceeding in one year the sum of one-half of one per cent upon the assessed value of said property, to be expended exclusively upon the highways, streets, alleys, and lanes of said village, as the board of trustees shall direct.

Poll taxes.

SEC. 3. The board of trustees have power to levy, and cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of fifty years, except paupers, idiots, lunatics, and others exempted by the laws of this State, and in article twenty-four of this act; and all moneys collected by virtue of this section shall be used and considered as part of the highway fund.

No other high-
way tax to be
levied.

SEC. 4. No other highway tax shall be levied and collected in said village, excepting those mentioned in sections two and three of this article; and the tax specified in said sections shall be in-

cluded in and subjected to the same proceedings as by this act are required to be had upon the general tax.

SEC. 5. The board of trustees may cause to be raised such further sums as they may deem necessary, not exceeding the sum of one per cent upon the assessed value of property in said village, by special tax: *Provided*, That the consent of the majority of the taxable inhabitants of said village, authorized to vote, who are present and voting at an annual or special meeting called for that purpose, first be obtained.

Special tax may be raised.

Proviso—consent of voters.

SEC. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in the village newspaper, if there shall be any published in said village, or by posting the same in at least three public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Notice of election to raise special taxes.

SEC. 7. The vote on any special tax shall be by ballot, which shall have written or printed on the inside the words "For the tax," or "Against the tax," and be deposited in a separate box, to be labeled "Village tax," and all other proceedings had therein shall be the same as provided for in this act for holding elections.

Ballot.

SEC. 8. The proceedings for the assessing, apportioning, reviewing, and collecting such tax, so voted, shall be the same as those prescribed in this act for the raising of a general tax.

Assessment, etc.

ARTICLE XIII.

OF THE ASSESSMENT OF TAXES.

SECTION 1. It shall be the duty of the assessor of said village, once in each year, to make an assessment roll, containing the names of the resident persons liable to be taxed, a description of all the real estate, the estimated value of each tract or parcel, and the aggregate valuation of the personal estate of each person liable to be taxed.

Assessment roll.

SEC. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give five days' notice, by posting in at least three public places in said village, that on a certain day and at a certain place in said village, therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment, may be heard.

Notice of review.

SEC. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaint of any person or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll as shall appear to him to be just and proper.

Review.

SEC. 4. Immediately after the expiration of ten days, and the review of the assessment roll as aforesaid, the assessor shall certify the said roll under his hand, to the board of trustees of said village.

Assessor to certify roll.

Board to certify
roll back to
assessor.

SEC. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four of article six of this act, which said certificates, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XIV.

OF THE APPORTIONMENT OF TAXES.

Apportionment
of taxes.

SECTION 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums in dollars and cents, as a general, special, and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done under section four of article six of this act, to be paid by the owner or owners or parties interested in such real and personal estate; and shall also set down, in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Delivery of roll
to marshal.

SEC. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village by a certain day therein named, not less than forty nor more than sixty days from the date of such warrant.

Renewal of
warrant.

SEC. 3. The assessor may renew said warrant from time to time by direction of the board of trustees.

Basis of special
tax.

SEC. 4. Whenever any special tax shall be voted to be raised, as provided for in article twelve of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate as set down in the annual assessment roll.

ARTICLE XV.

OF THE COLLECTION OF TAXES.

SECTION 1. The marshal of said village shall, immediately after receiving the assessment roll, with the warrant of the assessor thereunto annexed, as provided for in section two of the preceding article, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant. Marshal to collect.

SEC. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed as aforesaid, the marshal shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof as is required by law to be given by township treasurers; and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment, with the charges of sale and distress thereon, the surplus shall be paid on demand to the owner or owners of such goods and chattels. Distress and sale

SEC. 3. In case any person upon whom any tax be assessed in said village for personal estate shall have removed out of said village after the assessment, and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside. Collection in case of removal from village.

SEC. 4. Whenever any tax shall have been, or which may hereafter be assessed on personal property in said village shall be returned by the marshal for non-payment under the provisions of this act, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax. Unpaid taxes on personal property.

SEC. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof with [the] amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of the taxes, or in the removal of the time thereof by the said assessor, as provided for in section three of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid. Unpaid taxes on real estate.

SEC. 6. The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the warrant to the marshal as aforesaid, for the term of one year from the date of the warrant to the marshal, he shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction to the Same a lien on property. Sale of land for taxes.

highest bidder, as shall be necessary to pay the said tax, assessment, interest, and costs of sale thereof.

Notice of sale.

SEC. 7. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice for at least six weeks, by publication in a newspaper published in said village, if any such be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Sale.

SEC. 8. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands and continue the same from day to day until all are sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale as aforesaid.

Where taken when part only is sold.

SEC. 9. In case less than the whole of any description shall be sold for the taxes, assessment, interest, and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Certificate of sale.

SEC. 10. At the sale aforesaid the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale there shall be paid to the treasurer for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per centum per annum from the date of such sale, the treasurer shall, at the expiration of one year, execute to the purchaser or purchasers, his, her, or their assigns, a conveyance of the lands sold, which conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

Redemption.

Deed to holder of certificate.

Legal value of same.

ARTICLE XVI.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

Board of registration.

SECTION 1. The president, clerk, and one of the three trustees having the shortest term to serve, shall constitute the village board of registration.

Register of electors.

SEC. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village clerk.

SEC. 3. The clerk of said village shall at any time (except as Registration. provided in this act), on demand, enter in its alphabetical order the name of any person entitled to vote in said village under the provisions of this act, with the date of such registration and the residence of such person demanding registration.

SEC. 4. On the last secular day next preceding the day for hold- Meeting of board and completion of registration. ing any regular or special election of said village, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and after the close of said session no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE XVII.

OF ELECTIONS.

SECTION 1. The president, clerk, and one of the three trustees Election board. whose term of office will first expire, shall constitute the election board, two of whom shall constitute a quorum.

SEC. 2. The members of said election board shall, before enter- Members of to take oath. ing upon the discharge of their official duty, take an oath or affirmation, to be administered one to the other, to faithfully and honorably discharge their duties as judges of election; and said election board shall constitute the board of inspectors of election within the meaning of this act.

SEC. 3. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose *viva voce* such members of such electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors of that election during the continuance thereof. Vacancy, how filled.

SEC. 4. The clerk of said village, if present, shall be required by Clerk of election. the board to act as clerk of the election, and if the village clerk shall not be present, the board shall appoint some competent person to be clerk of said election, and before opening the polls the clerk so chosen shall take the constitutional oath of office, which oath either of the inspectors may administer.

SEC. 5. At any election held under and by virtue of the provisions of this act, and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Gaines to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein. Register to be delivered to board.

SEC. 6. At the first election held in said village under the provisions of this act, the registration book of the township of Gaines of the qualified electors of said village shall be used, with the like Returned to clerk. Register of township to be used at first election.

force and effect as the register of the electors of the village of Gaines provided for in this act.

Register to be
used only for
village elections.

SEC. 7. The registration of electors provided for in this act shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors or the elections of the township of Gaines.

Powers of board.

SEC. 8. The board of registration and election in said village shall exercise the same powers to preserve the purity of elections as are now, or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by the provisions of this act.

ARTICLE XVIII.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

Proceedings
prior to taking
private property
for streets, etc.

SECTION 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five, of this act, within the limits of said village, the board of trustees shall give notice in writing thereof by personal service, or by written notice posted up in three of the most public places in said village, to the owner, or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of trustees, of the intention of said board of trustees to take such lands for the purposes aforesaid, and after publication or service of such notice, the board of trustees are authorized to treat with the owner, or parties interested in said lands, his, her, or their legal representatives, and if at the expiration of the time limited as aforesaid for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Gaines to issue a *venire facias* to command the marshal of said village, or any constable of the county of Genesee, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before said justice at a time therein stated, to inquire into the necessity of using said grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal representatives, which jury, being first duly sworn by said justice, faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damage and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives, therefor, for their respective losses, according to the several interests or estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums assessed, together with the costs, shall be paid, or legally tendered, before such lands, grounds, or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal rep-

Proceedings
when agreement
cannot be made.

Tender of dam-
ages previous to
taking property.

representatives, in whose favor the said judgment shall be rendered. It shall thereupon be lawful for the board of trustees to cause the said land, grounds, or premises, to be occupied and used for the purposes as aforesaid. The right of challenge, enforcement of attendance, and summoning of talesmen is hereby conferred, as is provided by general law in this State in justices' courts in civil cases, except that no more than two peremptory challenges shall be permitted to the corporation, and a like number to the person, or to the persons collectively, whose property is sought to be taken. Right of challenge, etc.

SEC. 2. *Provided*, That the board of trustees, or any party or parties claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Genesee, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said justice, as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court for the county of Genesee, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal. Proviso—appeal to circuit court.

ARTICLE XIX.

OF PUBLICATION.

SECTION 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in the newspaper of said village, if any such shall be published therein; and if not, then by posting up in at least three of the most public places in said village. Publication defined.

SEC. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village, when publication is made by posting up, as provided for in this act, of notice of tax sales, or passage of any by-law, rule, or regulations, or ordinance of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication. Proof of publication.

ARTICLE XX.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

SECTION 1. The board of trustees shall, at the expiration of each year, cause to be made out and published a true statement in writing of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year. Financial statement.

ARTICLE XXI.

OF DEPUTIES.

SECTION 1. The board of trustees shall have the power to appoint one or more deputy marshals, who shall be under the same Deputy marshals.

restraints, exercise the same powers, and be bound by the same responsibilities as the marshal duly elected under the provisions of this act.

ARTICLE XXII.

OF MONEYS COLLECTED BY THE MARSHAL.

When to be paid over.

SECTION 1. The marshal shall pay all moneys collected by him by virtue of his office, except as herein otherwise provided for, within twenty days after receiving the same, to the treasurer of said village.

Treasurer to receipt for.

SEC. 2. The treasurer of said village shall give a receipt in writing, signed by him as such treasurer, to the marshal, or other person paying money to him on account of said village, acknowledging the receipt of the same.

ARTICLE XXIII.

OF HIGHWAYS.

Exemption.

SECTION 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the township of Gaines.

Moneys.

SEC. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the general fund, and no money shall be appropriated or paid said fund except for highway purposes.

ARTICLE XXIV.

OF PRIVILEGES OF FIREMEN.

Exempt from poll-tax, etc.

SECTION 1. Each member of the fire department, or an engine, hook and ladder, or hose company, duly organized by the board of trustees, shall be exempt from poll-tax, and shall also be excused from serving on jury.

ARTICLE XXV.

OF THE POWER TO BORROW MONEY.

For public improvements.

SECTION 1. The board of trustees of said village shall have power to borrow money for public improvements, on the credit of said village, not exceeding five hundred dollars in any one year: *Provided*, Consent of a majority of the electors be obtained, as provided for in section five, article twelve, of this act.

Proviso—consent of voters required.

ARTICLE XXVI.

OF THE COMPETENCY OF CITIZENS.

As judges, witnesses, or jurors.

SECTION 1. No person shall be an incompetent judge, witness, or juror, in any case in which said corporation is interested, by reason of his being an inhabitant of said village.

ARTICLE XXVII.

OF THE GENESEE COUNTY JAIL.

Village may use.

SECTION 1. The corporation shall be allowed the use of the common jail of the county of Genesee for the imprisonment of any

person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation, or ordinance passed by virtue thereof; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, That the county shall in no wise be chargeable with costs and expenses of imprisonment in civil cases. Proviso—when county not chargeable.

ARTICLE XXVIII.

OF THE CONSTRUCTION OF THIS ACT.

SECTION 1. This act is hereby declared a public act, and the same shall be favorably construed in all courts, and copies thereof, printed under authority of the Legislature, shall be received without further proof. This act a public act.

SEC. 2. *And be it further enacted*, That Z. A. Gage, H. F. Bush, and George Runyan be and the same are hereby appointed inspectors of election for the first election to be held in said village, on the first Monday in March, one thousand eight hundred and seventy-five. Inspectors of first election.

SEC. 3. This act shall take immediate effect.

Approved March 24, 1875.

[No. 281.]

AN ACT to re-incorporate the village of Stanton.

ARTICLE I.

BOUNDARIES OF SAID VILLAGE.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of land situated in the township [townships] of Day, Douglass, Evergreen, and Sidney, in the county of Montcalm and State of Michigan, and described as follows, to wit: The south half, and the south half of the north half of section thirty-one (31) in township eleven (11) north, of range six (6) west; and the southeast quarter and the south half of the northeast quarter of section thirty-six (36) township eleven (11) north, of range seven (7) west; and the northwest fractional quarter and north half of the southwest fractional quarter of section six (6), township ten (10) north, of range six (6) west; and the north fractional half and the north half of the south half of section one (1), township ten (10) north, of range seven (7) west, is hereby constituted a village corporate, known and designated as the village of Stanton. Boundaries.

SEC. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "the village of Stanton," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending, in any court of law or equity; and may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require. Body corporate.

ARTICLE II.

OF THE OFFICERS OF SAID VILLAGE.

- Officers.** SECTION 1. The officers of said village shall be a president, six trustees, one clerk, one marshal, who shall also be collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act.
- How chosen.** SEC. 2. The president and trustees shall be elected by ballot, and all other officers shall be appointed by the board of trustees, and shall hold their several offices for one year or until their successors are appointed and qualified.

ARTICLE III.

- First election.** SECTION 1. The inhabitants of said village having the qualifications of electors of this State shall meet at the law office of Harmon Smith, on Main street, in said village, on the first Monday in April, in the year of our Lord eighteen hundred and seventy-five, and there proceed to elect one president, and three trustees who shall severally hold their offices for one year; also three trustees who shall severally hold their offices for two years; and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished.
- Officers to be elected.** SEC. 2. At every election after the first there shall be elected one president, who shall hold his office for one year, and three trustees, who shall severally hold their offices for two years.
- Certificate of election.** SEC. 3. The term of office of all officers shall commence immediately after their election or appointment and qualification, and shall continue until the election or appointment and qualification of their successors.
- Term of office.** SEC. 4. Election of officers shall be held on the second Monday of March, in each year, at such place as shall be designated by the board of trustees, except as provided for at the first election.
- When to begin and end.** SEC. 5. If any election of officers of said village shall not be held on the day when pursuant to this act it should be held, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of regular elections.
- Annual elections.** SEC. 6. The officers in office in said village at the time of the passage of this act shall continue to exercise the duties of their office until others are elected and qualified under the provisions of this act.
- Of failure to hold elections at proper time.**
- Officers to continue until others elected and qualified.**

ARTICLE IV.

OF THE QUALIFICATION OF OFFICERS.

- Qualifications for office.** SECTION 1. The officers of said village, elected in pursuance of the provisions of this act, or appointed as hereinafter provided for, shall be residents and legal voters of said village.
- Oath of office.** SEC. 2. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties

of his office, shall take and subscribe an oath or affirmation, to be administered by the clerk of said village, or by any other officer authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk of said village.

SEC. 3. The treasurer and marshal, and such other officers as the board of trustees may require so to do, shall each respectively and severally, before they enter upon the duties of their office, execute a bond to the village of Stanton, in such sums, and with such sureties, as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their office, and honestly and faithfully account for and pay over all moneys received by them by virtue of said office, which bond, with the approval of the board of trustees endorsed thereon, certified by the clerk, shall be delivered to and filed with the clerk of said village. Official bonds.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

SECTION 1. The president of said village shall be *ex officio* a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee. Member of board of trustees.

SEC. 2. It shall be the duty of the president to preside at all meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded in writing, for a special purpose, by three of the trustees or twenty electors of said village. To preside at meetings of board, etc.

SEC. 3. The president shall preside at all elections held under and by virtue of this act. To preside at elections.

SEC. 4. The president shall see that all the by-laws, rules, regulations, and ordinances of said village are faithfully enforced, and prosecute, in the name of the village of Stanton, all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations, or ordinances passed by them. To enforce by-laws, etc.

SEC. 5. He shall receive and lay before the board of trustees the official report of all officers who may be required to make such reports, and in connection therewith suggest the passage of such measures as in his judgment the necessities of the village may require. To lay reports of officers before board.

SEC. 6. The president shall inspect and have the supervising and control of the public property belonging to said village, and see that the same is properly cared for and kept in order. To have control of public property.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

SECTION 1. The board of trustees shall have the control and management of all the finances and all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against said village. To have control of finances and real and personal property.

To appoint fire wardens, etc.

SEC. 2. The board of trustees shall appoint two fire wardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act, but no officer thus appointed shall hold such office for a longer period than until the next annual village election subsequent to his appointment, or until his successor is duly appointed and qualified.

SEC. 3. The board of trustees shall have full power within said village:

To elect a president pro tem.
To define powers of officers.

First, To elect one of their number president *pro tem*;

Second, To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed under this act;

To approve official bonds.

Third, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;

Care of property.

Fourth, To provide for the care, custody, and preservation of the public property in said village;

Supervision of officers.

Fifth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them;

Fire department.

Sixth, To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department and define their duties, and prescribe penalties for their delinquencies;

Regulations for the prevention of fires.

Seventh, To establish fire limits within which no wooden buildings shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings in such portions of the village as they shall deem best to provide one or more fire buckets, and to regulate the keeping of the same;

To prevent vice, etc.

Eighth, To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to repress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gaming tables, or any other device or instrument for gaming, and to punish the keepers of the same, when kept in violation of any by-law, rules, regulations, or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, imposters, and drunkards, to be apprehended and punished, and for that purpose may use the common jail of the county of Montcalm;

To prevent traffic in liquors.

Ninth, To prevent the selling or giving away of spirituous or fermented liquors;

To license or prohibit exhibitions, etc.

Tenth, To license and regulate theatres, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village;

- Eleventh,** To prevent and punish immoderate driving or riding in the street, and to provide penalties for leaving teams in the street unfastened; To prevent immoderate driving, etc.
- Twelfth,** To prevent and remove nuisances, and to punish persons for committing the same; To remove nuisances.
- Thirteenth,** To compel the owners or occupants of lots or lots on the sidewalks in front of and adjacent, thereto of snow, ice, dirt, and every incumbrance or obstruction; Incumbrance of sidewalks.
- Fourteenth,** To regulate the storage of powder, naphtha, nitric glycerine, combustible oils, lumber, and other combustible materials; Combustibles.
- Fifteenth,** To prevent the use of fire-arms, slugs, shot, metal knuckles, and other weapons; To prevent the use of weapons.
- Sixteenth,** To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber; Markets.
- Seventeenth,** To restrain horses, cattle, sheep, swine, and other animals, geese and other fowls, from going into the streets of said village, under such penalties as they shall in the laws prescribe, and establish and maintain pounds for the strait of such animals or fowls, running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same; Pounds and the impounding of animals.
- Eighteenth,** To prevent the running at large of dogs, and require them to be muzzled, and authorize their destruction if found at large in violation of any ordinance of said village; Dogs.
- Nineteenth,** To erect lamps, and cause the public streets and such of the streets of said village as they shall deem proper to be lighted at such times as in their judgment the wants and interests of the village may require; The lighting of streets.
- Twentieth,** To establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; Erection of buildings.
- Twenty-first,** To prevent the erection and provide for the removal of all buildings deemed unsafe; Removal of unsafe buildings.
- Twenty-second,** To regulate the placing and provide for the preservation of hitching posts and shade trees; Horse posts, and shade trees.
- Twenty-third,** To designate the routes and grades of any railroad in said village; and to restrain and regulate the use of locomotives, engines, and cars upon any railroad, and to compel the use of such precautions by railroad companies against accidents within said village as they may deem necessary, and to prohibit railroad cars from standing across, or otherwise obstructing the streets thereof; Routes and grades of railroads and the use of engines, etc.
- Twenty-fourth,** To make regulations for preventing the opening or keeping any tavern, hotel, victualing saloon, or other place for furnishing meals, food, or drink, or the keeping of billiard tables or ball alleys for hire, without first obtaining from the board of trustees a license therefor. Keeping of hotels, saloons, billiard tables, etc., and licensing the same.
- SEC. 4. The board of trustees shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets Commissioners of highways, powers of.

and highways in the several townships in this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more street commissioners as they shall deem best.

Sewers.

Streets, sidewalks, etc.

SEC. 5. The board of trustees shall, upon the petition in writing of a majority of the property-owners along the line of any proposed work, praying for the same, direct the building of sewers along the line of, or order and superintend the grading of any street, highway, alley, or lane in said village, and assess the cost and expenses thereof upon the lots lying on either side of and adjoining the said work, in the proportion that the frontage of each lot shall bear to the whole frontage of all the lots upon which the cost of said work is to be assessed; they shall also have full power and authority to order the making, constructing, and repairing all sidewalks and crosswalks in said village, and in case the owners of lots shall not construct the same, to provide for paying the costs and expenses of the same by assessment on the owners or occupants of the lots, lands, and premises in front of which sidewalks may be directed to be made; constructed, or repaired, and it shall be their duty to provide for making and constructing the same, in like manner, and upon the petition of the majority of the resident property owners owning property on any particular street upon which it is proposed to construct such sidewalk.

Taking private property for streets, etc.

SEC. 6. The board of trustees may take the land of any individual for the purpose of constructing, widening, or extending any highway, street, alley, lane, ditch, drain, or sewer, but not until such individual shall be paid therefor as provided for in article eighteen of this act.

Removal of fences, etc.

SEC. 7. The board of trustees may, at any time during the year, exercise the power of ordering fences to be removed, or of opening, discontinuing, widening, and extending any highway, street, alley, or lane within said village.

Establishment, etc., of ordinances, etc., and penalties for violation.

SEC. 8. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish, and publish, modify, amend, and repeal by-laws, rules, regulations, and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed ninety days, or both, for any one offense, except as herein otherwise provided for, and to enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations, and ordinances shall be published at least for two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village.

Publication of ordinances.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

Duty of clerk.

SECTION 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees,

record their proceedings, file, preserve, and keep all books and papers belonging to said corporation and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations, and notices, as the board of trustees shall direct.

SEC. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office within five days thereafter. To keep poll list, etc.

SEC. 3. The clerk shall give at least ten days' notice of the time and place of holding elections under this act, by publication thereof in a paper published in said village, or by posting the same in six public places in said village. To give notice of elections.

SEC. 4. The books and papers in the office of said clerk shall at all times on demand be produced for inspection to all electors and taxable inhabitants of said village; and, upon demand and tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a certified copy or transcript of any record or paper filed and kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced. To keep record, etc., open for inspection.

SEC. 5. In case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate. Absence of clerk.

ARTICLE VIII.

OF THE VILLAGE MARSHAL.

SECTION 1. The marshal shall have the general supervision of the village, and see that all the by-laws, rules, regulations, and ordinances passed by the board of trustees of said village according to the provisions of this act, are enforced. Duties of marshal.

SEC. 2. He shall be *ex officio* constable and chief of police, and may serve any process issued by any officer by virtue of this act, and shall perform all such services as may be required by the board of trustees, and shall be entitled to the same fees as constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities as constables in the performance of similar duties: *Provided*, That nothing in this act shall be construed into his serving process in civil cases. Idem. Proviso.

SEC. 3. He shall have the power to compel citizens to aid in extinguishing fires. Fires.

SEC. 4. The marshal shall be the collector of taxes in said village, and shall have full power to collect the same, as provided for in article twelve of this act. Marshal to collect taxes.

SEC. 5. The marshal shall at all times be subject to the supervision and control of the president and trustees, and shall, when directed by the board of trustees, make complaint in writing, and on oath, before any justice of the peace for the townships of Subject to supervision of president and trustees.

Day, Douglass, Evergreen, and Sidney, for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal.

Reports.

SEC. 6. He shall report in writing to the board of trustees from time to time, as he may be required by resolution of the board of trustees, of all his actions and doings by virtue of his office, which report shall be filed with the clerk of the village.

Removal from office.

SEC. 7. The marshal may be removed from office (but only on a two-thirds vote of the board of trustees), for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties; but the cause of such removal shall, in all cases, be spread at large upon the records of the village.

Justices of townships may try causes for village.

SEC. 8. Any justice of the peace of the townships of Day, Douglass, Evergreen, and Sidney, may hear, try, and determine all violations of the ordinances and by laws of the board of trustees:

Provided—trial by jury.

Provided, however, That the right of trial by jury, when demanded, shall in all cases be preserved.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

Duties of treasurer.

SECTION 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees.

To keep account and make report.

SEC. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report in writing of all items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation.

Disbursements.

SEC. 3. The treasurer shall not pay any money on account of said village except upon a resolution of the board of trustees, and on an order signed by the president and countersigned by the clerk.

Sales for taxes.

SEC. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article fifteen of this act.

ARTICLE X.

OF VACANCIES IN OFFICE.

Vacancies, how filled.

SECTION 1. A vacancy in the office of any of the officers of said village (except president) shall be filled by the board of trustees; and said board of trustees shall, at their first regular meeting after each annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

President pro tempore.

ARTICLE XI.

OF THE COMPENSATION OF OFFICERS.

SECTION 1. The president and trustees may receive a reasonable compensation, not exceeding one dollar per session, for attendance at the regular meetings of the board of trustees. President and trustees.

SEC. 2. The officers of said village (except as provided in section one of this article) shall receive such compensation as the board of trustees may, and by resolution, direct. Other officers.

ARTICLE XII.

OF THE LIMITS OF TAXATION.

SECTION 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article), upon the taxable inhabitants of said village, and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act. General taxes.

SEC. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to taxation in said village, not exceeding in any one year the sum of one-half of one per cent upon the assessed value of said property, to be expended exclusively upon highways, streets, alleys, and lanes of said village, as the board of trustees shall direct. Highway taxes.

SEC. 3. The board of trustees shall have power to levy, and cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upward, and not exceeding the age of fifty years, except paupers, idiots, lunatics, and others excepted by the laws of this State, and article twenty-four of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund. Poll tax.

SEC. 4. No other highway tax shall be levied and collected in said village, excepting those mentioned in sections two and three of this article; and the tax specified in said sections shall be included in and subject to the same proceedings as by this act are required to be had upon the general tax. No other highway tax to be levied.

SEC. 5. The board of trustees may cause to be raised such further sum as they may deem necessary, not exceeding the sum of two per cent upon the assessed value of property in said village, by special tax: *Provided*, That the consent of the majority of the taxable inhabitants of said village, authorized to vote, who are present and voting at an annual or special meeting called for that purpose, first be obtained. Special tax may be raised.

SEC. 6. Before any tax of such further sum can be voted for at any meeting, a notice must be published by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in a newspaper Notice of election to raise special taxes.

published in said village, or by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Ballot.

SEC. 7. The vote on any special tax shall be by ballot, which shall have written or printed on the inside the words "For the tax," or "Against the tax," and be deposited in a separate box, to be labeled "Village tax," and all other proceedings had therein shall be the same as provided for in this act for holding elections.

Proceedings for assessing, etc.

SEC. 8. The proceedings for the assessing, apportioning, removing, [reviewing,] and collecting such tax, so voted, shall be the same as those prescribed in this act for the raising of a general tax.

ARTICLE XIII.

OF THE ASSESSMENT OF TAXES.

Assessment roll.

SECTION 1. The assessors of said village shall, once in each year, and on or before the second Monday in May, make an assessment roll containing a description of all the real property, and a statement of the personal property liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its true value, placing the value of real and personal property in separate columns.

Notice of review.

SEC. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice, by posting in at least six public places in said village, that on a certain day and at a certain place in said village, therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Review.

SEC. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaints, by affirmation or otherwise, of any person or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll as shall appear to him to be just and proper.

Assessor to certify roll.

SEC. 4. Immediately after the expiration of ten days, and review of the assessment roll as aforesaid, the assessor shall certify the said roll under his hand, to the board of trustees of said village.

Board to certify roll back to assessor.

SEC. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots as a special assessment for work done, as provided for in section four of article six of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

SEC. 6. The board of trustees may provide, by ordinance, for the assessment and collection of a license tax of not less than ten dollars, or more than two hundred dollars, annually, payable quarterly, upon each and every person within the limits of said village, who is or shall be engaged in keeping a victualing house, saloon, or other place for furnishing meals, food, or drink; and a further tax of not less than twenty dollars, or more than one hundred dollars annually, payable quarterly, upon each billiard table kept for rent or hire, or for public amusement within the limits of said village.

Assessment of
license tax on
saloons, etc.

Tax on billiard
tables.

ARTICLE XIV.

OF THE APPORTIONMENT OF TAXES.

SECTION 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down in two separate columns, opposite to the several sums set down as the value of real or personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums in dollars and cents, as a general, special, and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done under section four of article six of this act, to be paid by the owner or owners or parties interested in such real and personal estate; and shall also set down, in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Apportionment
of taxes.

SEC. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and direct him to pay such sums, when collected, to the treasurer of said village by a certain day therein named, not more than sixty days from the date of said warrant.

Delivery of roll
to marshal.

SEC. 3. The assessor may renew said warrant from time to time by direction of the board of trustees.

Renewal of
warrant.

SEC. 4. Whenever any special tax shall be voted to be raised, as provided for in article twelve and twenty-five of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate as set down in the annual assessment roll.

Basis of apportionment
of special tax.

SEC. 7. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands and continue the same from day to day until all is sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale aforesaid.

SEC. 8. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof sold shall be taken from the north side of said description. Where taken when part only is sold.

SEC. 9. At the sale aforesaid the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of said lands; and unless within one year from the date of such sale there shall be paid to the treasurer for the use of the purchaser [or purchasers], his, her, or their heirs or assigns, the sum mentioned in each certificate, together with the interest thereon at the rate of twenty per centum per annum from the date of such sale, the treasurer shall, at the expiration of one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns, conveyance of the lands sold, which conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of all the title in the grantee therein named; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance. Certificate of sale.

Redemption.

Deed to holder of certificate.

Legal value of same.

ARTICLE XVI.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

SECTION 1. The president, clerk, and one of the three trustees having the shortest term to serve, shall constitute the village board of registration. Board of registration.

SEC. 2. The clerk shall furnish a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village clerk. Register of electors.

SEC. 3. The clerk of said village shall at any time (except as provided for in this act), on demand, enter in its alphabetical order the name of any person entitled to vote in said village under the provisions of this act, and the date of such registration, and the residence of such person so demanding registration. Registration.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village, the said board of registration shall be in session at such place in said village as they Meeting of board and completion of registration.

Idem. shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and after the close of said session no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE XVII.

OF ELECTIONS.

Election board. **SECTION 1.** The president, clerk, and one of the three trustees whose term of office will first expire, shall constitute the election board, two of whom shall constitute a quorum.

Members of, to take oath. **SEC. 2.** The members of said election board shall, before entering upon the discharge of their official duty, take an oath or affirmation, to be administered one to the other, to faithfully and honorably discharge their duties as judges of election; and said election board shall constitute the board of inspectors of election within the meaning of this act.

Vacancy, how filled. **SEC. 3.** In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose *viva voce* such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors of that election during the continuance thereof.

Clerk of election. **SEC. 4.** The clerk of said village, if present, shall be required by the board to act as clerk of the election, and before the opening of the polls the inspectors shall appoint another competent person to be clerk of the election, and if the village clerk shall not be present, the board shall appoint two such clerks, and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer.

Register to be delivered to board. **SEC. 5.** At any election held under or by virtue of the provisions of this act, and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Stanton to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

Returned to clerk. **SEC. 6.** The board of registration and election in said village shall exercise the same powers to preserve the purity of elections as are now, or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by the provisions of this act.

Powers of board.

ARTICLE XVIII.

OF THE TAKING OF PRIVATE PROPERTY FOR PUBLIC USE.

SECTION 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five, of this act, within the limits of said village, the board of trustees shall give notice in writing thereof by personal service, or by written notice posted up in three of the most public places in said village, to the owner, or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of the said board of trustees, of the intention of the said board of trustees to take such lands for the purposes aforesaid, and after publication or service of such notice, the board of trustees are authorized to treat with the owner, or parties interested in said lands, his, her, or their legal representatives, and if at the expiration of the time limited as aforesaid for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the townships of Day, Douglass, Evergreen, or Sidney to issue a *venire facias* to command the marshal of said village, or any constable of the county of Montcalm, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before said justice at a time therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal representatives, which jury, being duly sworn by the said justice, faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damage and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives, therefor, for their respective damage, according to the several interests therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid, or legally tendered, before such land, ground, or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal representatives, in whose favor the said judgment shall be rendered. It shall thereupon be lawful for the board of trustees to cause the said land, ground, or premises, to be occupied and used for the purposes as aforesaid: *Provided*, That the board of trustees, or any party or parties claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Montcalm, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days; or in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice, as

Proceedings
prior to taking
private property
for streets, etc.

Proceedings
when agreement
cannot be made.

Tender of dam-
ages previous to
taking property.

Proviso—appeal
to circuit court.

Proviso—costs.

aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court for the county of Montcalm, the same proceedings shall thereupon be had as prescribed by law in other cases of appeal: *Provided further*, That if final judgment for damages in said circuit court shall not be at least twenty-five dollars more favorable to the party appealing than the judgment appealed from, then the party appealing shall pay all costs occasioned by such appeal.

ARTICLE XIX.

OF PUBLICATION.

Publication defined.

SECTION 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in a newspaper published in said village, or by posting in at least three of the most public places in said village.

Proof of publication.

SEC. 2. An affidavit of the publisher or foreman of the newspaper when publication is made in said paper, or of the clerk of said village, or other officer posting such notices, when publication is made by posting, as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation, or ordinances of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XX.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Financial statement.

SECTION 1. The board of trustees shall, at the expiration of each year, cause to be made out and published a true statement in writing of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year.

ARTICLE XXI.

OF DEPUTIES.

Deputy marshals.

SECTION 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal duly appointed under the provisions of this act.

ARTICLE XXII.

OF MONEYS COLLECTED BY THE MARSHAL.

When to be paid over.

SECTION 1. The marshal shall pay all moneys collected by him by virtue of his office, except as herein otherwise provided for, within ten days after receiving the same, to the treasurer of said village.

SEC. 2. The treasurer of said village shall give a receipt in writing, signed by him as such treasurer, to the marshal, or other person paying money to him on account of said village, acknowledging the receipt of the same. Treasurer to give receipt.

ARTICLE XXIII.

OF HIGHWAYS.

SECTION 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the townships of Day, Douglass, Evergreen, and Sidney. Exemption.

SEC. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the general fund, and no money shall be appropriated or paid from said fund except for highway purposes. Moneys.

ARTICLE XXIV.

OF THE PRIVILEGE OF FIREMEN.

SECTION 1. Each member of the fire department, or an engine, hook and ladder, bucket, or hose company, duly organized by the board of trustees, shall be exempt from poll-tax, and shall also be excused from serving on jury. Firemen exempt from poll-tax, etc.

ARTICLE XXV.

OF THE POWER TO BORROW MONEY.

SECTION 1. The board of trustees may borrow a sum of money not exceeding five thousand dollars, for the purpose of purchasing fire engines and other fire apparatus, and maintaining and equipping fire companies, and protecting the village against fires, at a rate of interest not exceeding ten per cent per annum: *Provided*, That before the board of trustees shall have authority to borrow such money, it shall first be necessary to obtain the consent of a majority of the taxable electors voting on the question at an annual or special election. Board may borrow money for fire apparatus. Provide—consent of voters required.

SEC. 2. The board of trustees are hereby required to give the same notice by publication, or posting of an election to authorize the borrowing of money as provided in section one of this article, as they are required by this act to give of all annual and special elections. Notice of meeting to authorize borrowing of money.

SEC. 3. At such election no person shall be allowed to vote upon this question unless his name appears upon the assessment roll of the village for the current year in which the election shall be held, or unless he files with the inspectors of election an affidavit that he is then the owner of real estate in said village liable to be taxed, and that said real estate was purchased by him *bona fide*, and not for the purpose of voting at said election; if such person has the other qualifications of an elector as provided by this act his vote shall be received. Qualification of voters.

SEC. 4. All voting upon this question shall be by ballot, and all voting for the loan shall have on their ballots "For the Loan," and Vote to be by ballot.

- Canvass.** all voting against the loan shall have on their ballots "Against the Loan." And all votes cast upon this question shall be canvassed in like manner, and the election shall be conducted in the same way as is provided for other elections held under and by virtue of this act.
- Limit of amount, etc.** SEC. 5. No money shall be thus borrowed for a period exceeding five years, nor shall the sum of such indebtedness ever exceed, exclusive of interest, the sum of five thousand dollars; nor shall more than one thousand dollars of the same, exclusive of interest, mature in any one year.
- Issue of bonds.** SEC. 6. For all moneys borrowed as provided by this article, the bonds of the village shall be issued by order of the board of trustees, and signed by the president and clerk of said village.

ARTICLE XXVI.

OF CEMETERIES.

- Board may raise money by tax to purchase cemetery.** SECTION 1. The board of trustees of said village shall have power to raise by special tax, a sum not exceeding five hundred dollars for the purpose of purchasing of the townships of Day, Sidney, and Douglas (and improving the same), the cemetery lying within the corporate limits of said village.
- Cemetery fund.** SEC. 2. The money so raised shall be a separate and distinct fund, to be known as the cemetery fund.
- Control of cemetery.** SEC. 3. The board of trustees are hereby authorized and empowered to have the management, control, and supervision of said cemetery, and shall cause two maps thereof to be made, which maps shall accurately describe the grounds, with the lots or subdivisions named or numbered thereon, and also their size, situation, together with the width, extent, and location of all the streets, alleys, or walks in such grounds, which maps shall be certified by said board of trustees to be a correct map of the cemetery grounds of said village. One of said maps shall be filed in the office of the clerk of said village, and one in the office of the register of deeds of Montcalm county.
- Maps to be certified by board.**
- Where filed.**
- Sale of lots.** SEC. 4. The board of trustees may contract and sell and convey the lots in said ground, and the proceeds thereof shall be appropriated for the following purposes:
- First*, To defray the expenses of said survey and maps;
- Second*, For enclosing or fencing said grounds;
- Third*, To improve, ornament, and beautify said grounds and appurtenances thereto belonging, and for such other purpose relating to said cemetery as said board may deem best.
- Proceeds, how applied.**
- Moneys to be paid to treasurer.** SEC. 5. All moneys received for lots sold or in any way accruing to the credit of said fund, shall be immediately paid by the person receiving the same to the treasurer of said village; and it shall be the duty of such treasurer to keep in a proper book a separate and distinct account with said cemetery fund, charging thereto all moneys which said board may advance and appropriate to the use of said cemetery ground, out of the general funds of the village and crediting thereto all moneys received by him belonging to
- Treasurer to keep a separate account.**

said fund. The board of trustees may set off a part of said ground as a potter's field, and under proper regulations permit the dead to be buried therein; the board of trustees may also appoint a sexton to take charge of and watch over such ground, or any other cemetery ground in said village, who by virtue of such appointment shall have the powers of a village policeman, and may arrest without process any person found violating any ordinance or by-law of said village relating to said ground, the property and appurtenances thereto belonging; and the board of trustees are hereby authorized and empowered to enact all such ordinances and by-laws as they may deem necessary for the protection and preservation of the monuments, tombstones, trees, shrubbery, property, ornaments, and improvements therein, and the grounds thereof, and the fences in and around the same, and for the orderly conduct and good government thereof.

Potter's field.

Sexton and his powers.

Board may enact ordinances for protection of monuments, etc.

ARTICLE XXVII.

OF MONTCALM COUNTY JAIL.

SECTION 1. The corporation shall be allowed the use of the common jail of the county of Montcalm for the imprisonment of any person liable to imprisonment under the provisions of this act, or any by-law, rule, regulation, or ordinance passed by virtue thereof; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The said county of Montcalm shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Corporation may use county jail.

Proviso—cost of improvement.

ARTICLE XXVIII.

OF THE COMPETENCY OF CITIZENS.

SECTION 1. No person shall be an incompetent judge, witness, or juror in any case in which said corporation is interested, by reason of his being an inhabitant of said village.

As judges, witnesses, or jurors.

ARTICLE XXIX.

OF FORMER VILLAGE ACTS.

SECTION 1. The existing by-laws, rules, regulations, and ordinances of said village, when not inconsistent with the provisions of this act, shall be and continue in force and effect until the same shall be repealed or amended by the board of trustees.

By-laws, etc., now in force.

SEC. 2. All former acts relating to the village of Stanton inconsistent herewith are hereby repealed; but such repeal shall not affect any act, claim, or right secured or established, or any suit, proceedings, or prosecution had or commenced prior to the time when such repeal shall take effect; but every such act, claim, right, or proceeding shall remain as valid and effectual as if said act had remained in force.

Concerning former acts.

ARTICLE XXX.

OF THE CONSTRUCTION OF THIS ACT.

This act a public act. SECTION 1. This act is hereby declared a public act, and the same shall be favorably construed in all courts, and copies thereof printed under authority of the Legislature shall be received without further proof.

SEC. 2. This act shall take immediate effect.

Approved March 24, 1875.

[No. 282.]

AN ACT to revise the charter of the city of Lansing.

TITLE I.

CITY BOUNDARIES, INCORPORATION, AND WARD BOUNDARIES.

Boundaries. SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Lansing, in the county of Ingham, as is included in the following description, to wit : All of sections nine, sixteen, twenty-one, ten, fifteen, and twenty-two, the east fractional half of section eight, the east half of section seventeen, the east fractional half of section twenty, and the east half of the northeast quarter of section twenty-seven, be and the same is hereby set off from the said township of Lansing, and declared to be a city, by the name of the "city of Lansing," by which it shall hereafter be known.

Body politic and corporate. SEC. 2. The freemen of said city from time to time being inhabitants thereof shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Lansing, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for said city.

General franchises. SEC. 3. Said city shall be divided into six wards, as follows : The first ward shall consist of all that part of said city north of the center line of Sheridan street, continued to the east line of the city limits and the north line of lots seven and eight, block eighteen, lots fourteen and fifteen, block twenty-one, and lot six, block twenty-three, to Grand River, and east and north of Grand River; the second ward shall consist of all that part of said city south of the center line of Shiawassee street, continued to the western line of the city, to the center line of Washtenaw street so continued, and west of Grand River; the third ward shall consist of all that part of said city lying south of the center line of Washtenaw street, continued to the western line of the city, and west of the center line of Washington avenue and north of Grand River: the fourth ward shall consist of all that part of said city north of the second ward, west

and south of Grand River; the fifth ward shall consist of all that part of said city lying south of the first ward, and east of Grand River, and north of the center line of Main street, continued to the east line of the city; the sixth ward shall consist of all that territory lying south of the center line of Washtenaw street and east of the center line of Washington avenue, and west of Grand River, and all that part of said city lying south of Grand River and of the fifth ward.

TITLE II.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of said city having the qualifications of Electors. electors under the constitution of the State, and no others, shall be electors therein.

SEC. 2. Every elector shall vote in the ward where he shall have Where to vote. resided during the ten days next preceding the day of election. The Residence de- residence of any elector, not being a householder, shall be deemed ined. to be in the ward in which he boards or takes his regular meals.

SEC. 3. At least six days before the charter election of eighteen Registration in hundred and seventy-five, the common council shall appoint in the sixth ward. sixth ward two discreet persons, electors of said ward, to be inspectors of such election, who shall have the same powers and perform the same duties as provided herein for other inspectors of elections; in the sixth ward a registry of electors shall be made for said ward by the two electors appointed by the common council to serve as inspectors, who shall be deemed members of the board of registration of the city for said ward for the election of eighteen hundred and seventy-five, and who shall, under the direction of the common council, perform such registry, as near as may be, according to the provisions of the general law for the registration of electors. Notice of the time and place of meeting of the board of registration in the sixth ward shall be given by the city clerk, by posting notices in said ward at least four days before the day appointed by law for the registration of electors in cities.

SEC. 4. The board of registration, at their session previous to the Duties of board general election in November, in the year one thousand eight hun- of registration dred and seventy-six, shall make a re-registration of the qualified and rules for electors of the respective wards, in books of the form provided by new registration. law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election in the year eighteen hundred and eighty, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

TITLE III.

ELECTIONS AND APPOINTMENTS.

Elections, annual.

SECTION 1. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall appoint; and the clerk shall cause printed notices of the holding of said election to be posted at least six days previous thereto, in three of the most public places in each ward.

Special.

Sec. 2. The common council may order special elections to be held, in which case the clerk shall, twenty days previous thereto, deliver to the inspectors of election, in the ward or wards where such special election is to be held, a notice specifying the officers to be chosen, and the day and place at which such election will be held, and he shall, at least once before the day of such special election, publish said notice in one of the newspapers of the city.

Manner of conducting.

Sec. 3. Such annual or special election shall be held and conducted in the manner provided by the laws of this State for holding general elections, except as is by this act otherwise provided.

Ballot boxes.

Sec. 4. The common council shall provide suitable ballot boxes for each ward, with locks and keys, in which to deposit the ballots offered at any election. At any election for city officers the city and ward tickets shall be deposited in separate boxes. When the elector delivers his ballot there shall appear on the outside of the one containing the city ticket, the word "city," and on the outside of the one containing the ward ticket the word "ward," and the inspector shall deposit the ballot in the proper box. If found in the proper box no ballot shall be rejected for want of such endorsement.

Ballots.

Canvass of votes at election.

Sec. 5. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, according to law, and declare the result; and shall on the same or on the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the clerk of the city.

Officers and terms of office.

Sec. 6. At each annual election hereafter to be held in said city, there shall be elected on a city ticket, one mayor, one clerk, one treasurer, and one city assessor, who shall hold their offices for one year; and in each ward there shall be elected on a ward ticket one alderman and one member of the board of education, who shall hold their offices for two years, and one constable who shall hold his office for one year; also at the annual election held in the sixth ward for the year eighteen hundred and seventy-five, there shall be elected on the ward ticket one alderman, who shall hold his office for one year, and one member of the board of education, who shall hold his office for one year; and in the year eighteen hundred and seventy-five, and at each fourth annual election thereafter, one justice of the peace for the first and fourth wards, and one justice of the peace for the second and third wards, and one justice of the peace for the fifth and sixth wards, who shall hold their offices for four years.

Vacancies in office.

Sec. 7. If at any annual election in the said city there shall be one or more vacancies to be supplied in any office, and at the same time

any person is to be elected for the full term of said office, the term for which each person is voted for for the said office shall be designated on the ballot.

Sec. 8. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, and the other shall be filed in the office of the city clerk.

Determination of elections.

Sec. 9. The person receiving the greatest number of votes for any office in said city or ward shall be deemed to have been duly elected to such office; but if two or more persons shall receive an equal number of votes for any office, the common council shall appoint a day (if the candidates be not then present) for the appearance before them of all such persons, for the purpose of determining by lot the right to such office, and shall cause notice thereof to be given to all such persons interested. At the time appointed such persons shall draw lots for such office before the common council, in the same manner, as near as may be, as is prescribed by law for the drawing of lots by candidates for members of the legislature, and the person successful in the lot shall be declared duly elected.

Determination in case of tie vote.

Sec. 10. When a vacancy occurs in the office of alderman, or when he refuses or neglects to take the oath of office, or when his election is declared void by a proper tribunal, the common council shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than seventeen nor more than twenty-one days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Vacancy in office of alderman.

Proviso—when election not necessary.

Sec. 11. It shall be the duty of the clerk of said city, as soon as practicable, and within three days after the election or appointment of any officer or officers, to notify such officers respectively of their election or appointment; and the said officers so notified as aforesaid shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same, together with his official bond, if any be required, in the clerk's office of said city.

Notice of election.

Qualification of officers.

Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing, to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

Neglect to qualify.

Officers appointed, and term of office.

SEC. 12. The common council shall, on the first Monday in May, or as soon thereafter as may be, appoint one city marshal, one city attorney, one city sexton, one city auditor, and one or more street inspectors, one chief engineer and one assistant chief engineer of the fire department, and so many policemen, watchmen, fire wardens, pound-masters, inspectors of fire-wood, weigh-masters, and auctioneers as they shall from time to time deem necessary, and may appoint a city surveyor and such other officers as may be necessary to carry into effect the powers granted by this act, who shall hold their offices for one year; and the common council may by ordinance prescribe their duties in addition to those defined in this act. Whenever any officer appointed by the provisions of this section shall, from any cause, be unable to perform the duties of his office, the common council shall have power to appoint an officer who shall perform the duties of the office until such disability shall cease.

Failure to take oath and file bond.

SEC. 13. If any person elected or appointed under this title shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent such oath shall be taken, such acceptance be signified, and such bond executed and filed as aforesaid.

Officers to deliver books, etc., in their custody to successors.

SEC. 14. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Failure to comply.

Vacancies, how filled.

SEC. 15. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except aldermen, members of the board of education, and justices of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person; and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the first Monday of May next succeeding; if an elective office which shall have become vacant was one of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Terms of office.

SEC. 16. Any person elected or appointed to any office under this act, at the expiration of the term thereof shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion

of the regular term limited to such office, and until his successor shall be elected and qualified.

Sec. 17. No person shall be eligible to any city office unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of any such defaulter shall be void.

Eligibility to office.

Defaulters ineligible.

Sec. 18. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Offices, when vacant by act of incumbent.

Sec. 19. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance: *Provided*, That resignations of members of the board of education shall be made to and accepted by said board: *Provided further*, The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Resignations.

Proviso—members of board of education.

Proviso—liabilities not removed by resignation.

Sec. 20. The expenses of any election held as provided by this act or by the laws of the State shall be a ward charge, and paid from the ward fund.

Expenses of election.

Sec. 21. All officers except the city assessor, elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided. The city assessor shall enter upon the discharge of his duties on the second Monday in April.

Term of office, when to begin.

TITLE IV.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Section 1. The mayor and aldermen of said city shall constitute the common council.

Council, how constituted.

Sec. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.

Mayor to be president of council.

Sec. 3. On the first Monday in May in each year the council shall appoint one of their number president *pro tempore* of the council, who in the absence of the president shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

President pro tem. of council.

Sec. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council

Clerk of council.

	shall appoint one of their number to perform the duties of his office for the time being.
Duties of aldermen, as members of council.	SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.
Powers and meetings of council.	SEC. 6. The council shall be judge of the election, returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.
Idem—meetings to be public.	SEC. 7. All meetings and sessions of the council shall be in public, except when the public interests shall in their opinion require secrecy.
Quorum.	A majority of the common council shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as they shall direct. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution or vote of the council; nor shall any such resolution appropriating moneys be passed or adopted, except by the vote of a majority of all the aldermen elected to office.
Office created, tax levied, and property taken only by two-thirds vote.	
Votes, how reconsidered.	
Appropriation of money.	
Council to make its own rules.	SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes on the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public moneys, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; any one member of the council shall have the right to demand the yeas and nays on any question; and all votes so taken shall be entered at large on the minutes, as herein provided.
Votes, how taken.	
Council may compel attendance, etc.	SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.
Certain officers to have seats in council.	SEC. 10. The city attorney, city marshal, street commissioners, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but

without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Sec. 11. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary. General powers of council.

Sec. 12. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers, relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitant of the city, or other person interested therein, at all reasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court. Care and use of the records of the city.

Sec. 13. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council, nor be bondsmen or surety on any contract or bond given to said city; but this section shall not be construed, to prevent the mayor or clerk from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office. Any member of the council, or officer of the city herein specified, offending against the provisions of this section shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office. Members of common council ineligible to other offices or to share in contracts.

Sec. 14. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and Penalty for violation of this section.

Removal of officers.

trying the same; and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Trial of charges
against officers.

Sec. 15. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

Council may
compel attend-
ance of witnesses,
etc.

Sec. 16. Whenever the council or any committee of the members thereof are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Audit of ac-
counts against
the city; rules
to govern.

Sec. 17. The council shall audit and allow all accounts chargeable against the city; but no account, or claim, or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it, which affidavit may be taken and certified by any member of the common council, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or, that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Special subjects
upon which the
council may leg-
islate.

Sec. 18. The common council shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they deem desirable within said city for the following purposes:

Prevention of
vice, riots, etc.

First, To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrancy.

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Nuisances.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to

punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances:

Fourth, To prohibit and suppress all disorderly houses and places, ^{Disorderly and gaming-houses, etc.} houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate, license, or prohibit and suppress billiard tables, ^{Billiard tables, etc.} nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to ^{Gaming, etc.} authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Seventh, To regulate, prohibit, and suppress ale, beer, and porter ^{Intemperance, etc.} houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving away of any ^{Sale of liquor.} spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

Ninth, To regulate, restrain, and prohibit all sports, exhibitions ^{Exhibitions, etc.} of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions, of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, moral, or scientific subjects excepted;

Tenth, To prevent and punish violations of the Sabbath day, and ^{Violation of the Sabbath, etc.} the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

Eleventh, To license auctioneers, auctions, and sales at auction, to ^{Auctions, etc.} regulate or prohibit the ringing of bells, or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sales of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue.

Twelfth, To license hawkers, peddlers, and pawnbrokers, and hawk- ^{Peddlers, etc.} ing and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in the streets or highways;

Thirteenth, To establish and regulate one or more pounds, and to

- Pounds and running at large of animals.** restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;
- Dogs.** *Fourteenth,* To regulate and prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets :
- Dead carcasses.** *Fifteenth,* To prohibit any person from bringing and depositing within the limits of said city, any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his failure to remove the same, to authorize the removal or destruction thereof, by some officer of the city ;
- Taverns, saloons, etc.** *Sixteenth,* To regulate and license all taverns and houses of public entertainment ; all saloons, restaurants, and eating houses ;
- Hacks, drays, etc.** *Seventeenth,* To license and regulate all vehicles, of every kind, used for the transportation of persons or property for hire in the city ;
- Inspection of provisions, etc.** *Eighteenth,* To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions ; to regulate the fees to be paid by butchers for license : *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city ;
- Proviso—sale of meats by the quarter.** *Nineteenth,* To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise ;
- Inspection of wood, hay, etc.** *Twentieth,* To provide for the inspection and sealing of weights and measures ;
- Weights, etc.** *Twenty-first,* To enforce the keeping and use of proper weights and measures by venders ;
- Cisterns, sewers, etc.** *Twenty-second,* To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters ;
- Obscenity.** *Twenty-third,* To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books, or pamphlets, and all indecent or obscene exhibitions and shows of every kind ;
- Bathing in the river.** *Twenty-fourth,* To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city ;
- Clearing the rivers of drift, etc.** *Twenty-fifth,* To provide for clearing the rivers, ponds, and streams of the city, and races connected therewith, of all drift-wood and noxious matter ; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive ; to fill up all low grounds or lots covered, or partially covered with water, or to drain the same, as they may deem expedient ;
- Cleansing of shops, stables, sewers, etc.** *Twenty-sixth,* To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, naus-

eous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city;

Twenty-seventh, To regulate the buying, selling, and using of gun-powder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; Combustible materials.

Twenty-eighth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon; Construction of cellars, drains, etc.

Twenty-ninth, To prohibit, prevent, and suppress mock-auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof; Mock auctions.

Thirtieth, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same; Lotteries.

Thirty-first, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation; Runners, etc.

Thirty-second, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Thirty-third, To provide for taking a census of the inhabitants of the city whenever the council shall see fit; and to direct and regulate the same; Census.

Thirty-fourth, And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever. General powers of council.

Sec. 19. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation, and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every Council to fix terms of licenses, etc.

May revoke
same.

license shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Term of licenses.

Sec. 20. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required, by any ordinance or regulation of the council. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury on or before the last day of the month on which they were received.

Failure to obtain
a license.

Occupations to
which a license
is necessary.

Sec. 21. No person shall engage in or exercise the business or occupation of tavern-keeper, inn-holder, common victualer, or saloon keeper, within the limits of said city, until he is first licensed as such by the common council; all hotel or tavern keepers, inn-holders, or common victualers, who shall keep a bar in connection with their hotel, tavern, inn, or common victualing establishment, and all grocers, druggists, and all other persons who shall sell beverages by the glass or cup in their respective establishments which are usually sold in a saloon, shall be deemed saloon-keepers within the meaning of this act, and shall be required to take a license as such: *Provided*, That nothing in this act shall be construed as licensing the sale of intoxicating liquors as a beverage.

Proviso—sale of
liquor.

General law
powers of coun-
cil.

Sec. 22. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers, and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages in relation to tavern keepers and common victualers, and subject to the same conditions and limitations; and the general laws of this State now in force, or which may hereafter be enacted in relation to the regulation of taverns, groceries, and common victualers, shall be deemed applicable to this city, unless otherwise limited.

Control of mill
races, etc.

Sec. 23. The common council shall also have power, by ordinance or otherwise, to require the owners or occupants of any mill race within the said city to cover the same with bridges or arches, to be constructed with such materials as the common council shall direct, or they may direct the same to be covered in the same manner that other public improvements are directed to be made.

Idem.

Sec. 24. Whenever the owner or occupant of any mill-race shall refuse or neglect, within such time as the common council shall have appointed, to cover such mill race in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent, with costs of suit, from such owner or occupant.

Sec. 25. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars (unless the imposition of a greater penalty be herein otherwise provided) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the city penitentiary for a term not to exceed ninety days; and during the term of such imprisonment male persons so imprisoned may be kept at hard labor on the public grounds, streets, roads, sewers, drains, bridges, or other property of the city, under such regulations as the common council may by ordinance prescribe; or such penalties may be sued for and recovered with costs in the name of the city of Lansing.

Council may impose penalties.

Limit of same.

Persons imprisoned may be put at work on the streets, etc.

Sec. 26. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the first publication thereof in a newspaper published in said city.

Ordinances to be published.

Sec. 27. A record or entry made by the clerk of the said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either—

Proof of publication.

Proof of ordinances in court.

First, From a copy certified by the clerk of the city, with the seal of the city of Lansing affixed; or,

Second, From the volume of ordinances printed by authority of the common council.

Sec. 28. Whenever the common council are required by law to make publication of any notices, ordinances, or resolutions, or proceedings in one or more newspapers of the said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

Publication of notices.

Sec. 29. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessment for opening, paving, planking, repairing, and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Settlement with city treasurer, etc.

Council to make annual financial statement.

Sec. 30. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city, and may be published

Same to be published.

in some newspaper of the city if ordered by the common council, within ten days after the receipt of said statement.

Veto of ordinances.

Passage of same over veto.

Sec. 31. No ordinance or resolution passed by the common council shall have any force or effect, if on the day of its passage, or on the next day thereafter, the mayor, or other officer legally discharging the duties of mayor, shall file in the office of the city clerk a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer legally exercising the duties of mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, file in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons in writing shall not be filed with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been filed with the city clerk; and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage.

Notification of veto.

Sec. 32. It shall be the duty of the city clerk to communicate to the common council, at its next meeting, any paper that may be filed with him pursuant to the last preceding section.

Power to make contracts.

Sec. 33. The common council shall have power to make contracts for the performance of any work to be done, or any public improvement to be made in and for said city.

Control over railroads in the city.

Sec. 34. The council of the city shall have authority to permit any railroad company to lay its track, and operate its road with steam locomotives, or other power, in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions.

Idem.

Sec. 35. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct crossings in such manner, and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also to require and compel railroad companies using steam locomotives to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon

Speed of trains.

the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Sec. 36. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded; also to fence or wall up with stone along the side of any street to which said railroad may run parallel, and to repair any damage or injury which may have been done to such street by any such railroad company. If any such railroad company shall neglect to perform any such requirement, according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action before any court having jurisdiction of the cause.

Idem—ditches, culverts, etc.

Sec. 37. The council may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

Relief of poor; director for.

Sec. 38. The council may at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds, in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the city. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

New bonds may be required of officers.

Sec. 39. The common council shall have power to erect lamp posts, and assess the expense thereof on the particular property deemed by the common council to be benefited thereby, in the manner provided in title twelve of this act.

Erection of lamp posts.

Sec. 40. The common council shall have power, when requested so to do by a majority of the property owners or lessees of any lot or block, or parts of lots or blocks, abutting upon any portion of a public street of said city occupied for business purposes, to cause such portion of said street, so occupied, to be sprinkled with water in such manner as the common council may by ordinance or otherwise provide and direct, and assess the expense thereof on the real property abutting upon such street, and the personal property on the premises adjacent to where such sprinkling is done, and deemed to be benefited thereby by the common council, in the manner provided in title twelve of this act.

Street sprinkling.

Sec. 41. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, where all persons charged with, or convicted of, offenses or misdemeanors against the charter, by-laws, or ordinances of said city, may be confined or imprisoned until discharged by authority of law; and the said common council shall appoint all offi-

City penitentiary

cers necessary for said penitentiary, prescribe their powers and duties, regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances, or orders concerning the good government and regulation of said penitentiary, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Water-works.

SEC. 42. The common council may establish and provide water works for said city in the manner provided by "An act to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages of the State of Michigan," approved August four, eighteen hundred and seventy, and the acts amendatory thereof, or may authorize the formation of a company or companies for such purpose as provided in chapter one hundred and twenty-eight of the compiled laws.

TITLE V.

DUTIES AND COMPENSATION OF OFFICERS.—THE MAYOR.

Mayor, powers and duties of.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the city, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city, and the ordinances and regulations of the council are enforced.

Conservator of the peace.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

To have control of officers.

May inspect records, etc.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employe, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Vacancy in office of.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

ALDERMEN.

Aldermen, duties of.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

Not to fill any other offices.

Certain aldermen to be supervisors.

SEC. 6. That alderman* in each ward of said city whose term of office shall soonest expire, shall be the supervisor within and for his

ward for the last year of his term, and shall have and exercise within his ward, all the powers, authority, and functions of supervisors of towns as now provided, or may hereafter be provided by law, except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Ingham, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform as supervisors such other duties as by this act shall be required of them: and in case of a vacancy, by death, of such supervisor, or by reason of sickness, absence, or other disability to perform the duties of supervisor, the associate alderman of the same ward is hereby authorized to perform the duties of supervisor until such disability shall cease; and a certificate of appointment from the supervisor, or in case of his death, or inability to give such certificate, a certificate of the mayor shall be sufficient authority to entitle such associate alderman to recognition, if objected to, as the proper representative of his ward for the time being, at any meeting of the board of supervisors of Ingham county.

Vacancy in office
of.

CITY CLERK.

Sec. 7. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations. The clerk shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same.

Clerk, duties
and powers of.

To make certified copies of records.

Fees of.

Sec. 8. The city clerk shall be the general accountant of the city; and all claims against the city shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Duties of
as general ac-
countant of the
city.

Sec. 9. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and

Idem.

documents relating to the accounts, contracts, debts, and revenues of the city ; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities ; he shall keep a complete set of books, exhibiting the financial condition of the city in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised ; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund ; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

Reports of to
council.

SEC. 10. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require, by resolution or otherwise.

Clerk to be
sealer of weights
and measures.

SEC. 11. The clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights.

To publish
ordinances.

SEC. 12. The clerk shall publish at least one week in a newspaper printed in the city, all the ordinances of the common council for the violation of which any penalty may be imposed.

CITY TREASURER.

Treasurer,
duties and pow-
ers of.

SEC. 13. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city, and shall collect all taxes levied or assessed in the city, and for that purpose he shall give bond to said city in such sum and with such surety or sureties as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Ingham such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; the said treasurer shall pay no money out of the treasury except in pursuance and by authority of law, and on a warrant signed by the clerk and countersigned by the auditor, which shall specify the purpose for which the amount thereof is to be paid, and the fund from which it is to be paid, and he shall keep an accurate account of, and be charged with all taxes and moneys appropriated, raised, or received for each fund of the city; and shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the auditor. For the purposes of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, and for the purpose of suits for the collection of taxes, the said treasurer, on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as this act imposes.

Bond of.

To pay money
only on warrants

To keep account
of moneys.

General law
powers same as
township treas-
urers.

SEC. 14. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. The books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any tax payer of said city; the treasurer shall exhibit to the common council, at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct, shall be filed and published.

Monthly report.

To keep books open for inspection.

Annual report of.

SEC. 15. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the city moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

Treasurer prohibited from using city moneys for personal benefit.

CITY ASSESSOR.

SEC. 16. The annual assessment of property in the several wards shall be made by the city assessor, as herein provided. He shall be entitled to a seat on the board of supervisors, for the purpose of deliberation and debate, and may act on committees, but shall have no vote. For such services he shall be entitled to the same pay as a supervisor.

Assessor, duties of.

Fees of.

CITY MARSHAL.

SEC. 17. The city marshal shall be the chief of the police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere within the State.

Marshal to be chief of police.

Powers and duties of.

SEC. 18. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the city, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

Idem.

To make reports
to council.

SEC. 19. The marshal shall report in writing and on oath, to the council, at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

Disposition of
moneys by.

Fees of.

SEC. 20. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by the city.

To superintend
work on streets.

SEC. 21. It shall be the duty of the marshal to superintend, under the general direction of the common council, all work to be done or performed, ordered, or required to be done or performed, upon or in relation to any of the public streets, walks, bridges, sewers, or public pumps, reservoirs, or grounds of said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council shall be required. In the absence of the marshal, or his inability to serve, any constable designated by the mayor or common council may perform his duties.

Absence of,
from city.

CITY ATTORNEY.

City attorney,
duties of.

SEC. 22. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the city in all legal proceedings in which the city is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY AUDITOR.

City auditor,
powers and
duties of.

SEC. 23. The city auditor shall countersign all orders for the payment of money out of the city treasury, after having ascertained from the minutes that it has been appropriated by the common council, and he shall make a record of all orders so countersigned, and shall perform such other duties as the common council shall by ordinance prescribe, and such other duties as are prescribed by this act.

CITY SURVEYOR.

City surveyor,
powers and
duties of.

SEC. 24. The city surveyor shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys, and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams, and estimates, plans, and specifications required by the council or officers of the city, relating to the public improvements, buildings, grounds, and streets of the city.

STREET INSPECTORS.

Street inspectors,
general
duties of.

SEC. 25. It shall be the duty of the street inspectors of the several ward districts to perform or cause to be performed all such labor, repairs, and improvements upon the highways, streets, side-

walks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city, as the council or city marshal shall direct to be done by or under their supervision.

Sec. 26. They shall make a report to the council, in writing, and on oath, once in each month, or oftener, giving an exact statement of all labor performed by them, or under their supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since their last preceding reports, and no payment for labor or services performed, or for expenses incurred by them, shall be made until reported on oath as aforesaid.

Reports of, to council: contents of same.

Sec. 27. The common council shall examine such report, and if satisfied of its correctness, and that the charges therein made are just and reasonable, they shall accept it and order it filed; but if they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lay upon the table one week, and if not withdrawn by the inspector, by filing a notice in writing to that effect with the city clerk in that time, they shall accept it, and order it filed as corrected by them; when so filed, the clerk shall draw an order upon the highway fund of the district for the amount.

Reports of, to be examined by council.

CONSTABLES.

Sec. 28. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city. They shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

Constables, powers, duties, and liabilities of.

Bonds of.

JUSTICES OF THE PEACE.

Sec. 29. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Ingham, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers, and duties conferred on justices of the peace in townships, and shall have such jurisdiction to hear, try, and determine all actions arising within said city for the recovery of the possession of lands under the provisions of chapter two hundred and eleven of the compiled laws, and the acts amendatory thereto,

Justices, jurisdiction and powers of.

as is conferred upon justices of the peace of townships to hear, try, and determine cases arising within townships under said chapter of the compiled laws, and the said amendatory acts.

Bonds of.

SEC. 30. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of Lansing, with one or more sufficient sureties, to be approved by the mayor of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act required.

Duties of, under city ordinances.

SEC. 31. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

Collection and disposition of fines by.

SEC. 32. All fines, penalties, or forfeitures, recovered before any of said justices for violation of any city ordinance, shall, when collected, be paid into the city treasury; and each of said justices shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and all moneys by him received for and on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty, or forfeiture, shall be paid into said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office; and for any neglect in this particular he may be suspended or removed, as hereinafter provided.

Justices to account with council quarterly

SEC. 33. It shall be the duty of each justice of the peace, at the first regular meeting of the common council, in each of the months of August, November, February, and May, in every year, to account on oath, before the common council, for all such moneys, goods,

Stolen property.

wares, and merchandise, seized as stolen property, as shall then remain unclaimed in the offices of either of said justices of the peace, and immediately thereafter to give notice for four weeks, in one of the public newspapers printed in said city, to all persons interested or claiming such property: *Provided always*, That if any goods, wares, merchandise, or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time, and after such notice as to him and the said common council shall seem proper.

Proviso—disposition of perishable goods.

Stolen property, care and disposition of by justices.

SEC. 34. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all

necessary and reasonable expenses which may have been incurred in the recovering, preservation, or sustenance of such property, and the expenses of advertising the same, unless the attorney of the city, or the prosecuting attorney of the county of Ingham, shall otherwise direct.

Sec. 35. It shall be the duty of each of the justices of the peace ^{Idem.} aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Ingham shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

Sec. 36. The justices of the peace of said city shall have full power and authority, and it is hereby made the duty of any such justice, upon complaint to him in writing, on oath, to inquire into, and hear, try, and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed; to award all process, take recognizances for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion may require: *Provided*, That any person making said complaint (except city officers) shall give security for costs in the same manner as is required in criminal cases under the general laws of this State, which security shall have the same force and effect, and judgment shall be rendered against said complainant and surety, and execution issued thereon, when the justice shall be satisfied that there was not reasonable cause for making said complaint. ^{Jurisdiction of justices in cases under city ordinances.} ^{Proviso—complainants to give security for costs.}

Sec. 37. Whenever any person shall be charged with having violated any ordinance of the common council by which the offender is liable to imprisonment, any of the justices of peace of said city to whom complaint shall be made in writing, and on oath, shall issue a warrant, directed to the marshal of the city of Lansing, or to the sheriff or any constable of the county of Ingham, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same, in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process. ^{Warrants—Issue and service of.}

Sec. 38. The justices of the peace in the said city exercising civil jurisdiction shall be deemed justices of the peace of the county of Ingham, and shall be subject to the general laws of the State in relation to civil cases before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Ingham, in the same manner as appeals from justices' judgments in towns are made, except as herein otherwise provided. ^{Civil jurisdiction of justices.}

Criminal juris-
diction of.

SEC. 39. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority, and perform all the duties hereinbefore provided and required of them, and shall hold a court daily if necessary.

MISCELLANEOUS OFFICERS.

Other officers
subject to ordi-
nances.

SEC. 40. The sexton, fire wardens, common criers, pound masters, inspectors of firewood, and weigh-masters shall perform such duties, and if required, shall file such securities as the common council shall by ordinance direct.

COMPENSATION OF OFFICERS.

Salaries.

SEC. 41. The common council shall annually determine the salary or compensation to be paid to the several officers of said city. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office.

TITLE VI.

POLICE.

Police, how pro-
vided for.

SECTION 1. The council may provide, by ordinance or otherwise, for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when, in his judgment, the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police, and night-watchmen.

Government of.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

Special police,
mayor may ap-
point.

Marshal to be
chief of police.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

Duties of the
police.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any

offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates, of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night watchman shall have all the powers of constables, and may arrest upon view, and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city: *Provided*, That nothing herein contained shall be construed to authorize the city marshal to serve any papers except those issued for violation of city ordinances.

Service of process by.

Proviso—marshal restricted.

SEC. 5. When employed in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe.

Pay of police.

SEC. 6. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

Suspension and removal of police

TITLE VII.

OF PUBLIC HEALTH.

SECTION 1. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be the health officer thereof.

Board of health, appointment, etc.

SEC. 2. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain, and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city infected with any such disease to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, goods, wares, or merchandise, or other articles, or property of any

Powers and duties of.

kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health in any way and in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health, and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Report of cases of infectious diseases to.

SEC. 3. The owner, driver, conductor, or person in charge of any stage coach, railroad car, or other public conveyance which shall enter into the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Failure to make.

Penalty for bringing infectious diseases into city.

SEC. 4. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property of any kind tainted or infected with any malignant fever, or pestilential or infectious disease, shall be guilty of misdemeanor, punishable by fine and imprisonment.

Duties of hotel keepers, etc., in regard to disease.

SEC. 5. Every keeper of an inn or boarding house or lodging house in the city who shall have in his house at any time any sick traveler, boatman, or sailor, shall report the fact, and the name of the person in writing, within six hours after he came to the house or was taken sick therein, to the mayor or some officer or member of the board of health; every physician in the city shall report, under his hand, to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Physicians to report to board of health.

Penalty for failure.

Dangerous buildings, etc. removal of.

SEC. 6. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Sec. 7. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and keep a record of its proceedings, and such record, or a duly certified copy of the same, or any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Board of health
may appoint a
clerk.

Pay of same.

Sec. 8. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Pay of members
of board of
health.

Sec. 9. All fines imposed under this title shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

Disposition of
fines under this
title.

TITLE VIII.

CEMETERIES.

SECTION 1. The city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants. The common council may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as they may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere. The council may also prescribe the time and manner of removing any bodies from any cemetery within the city, or from any cemetery grounds owned by the city without the city limits. In case the council desire to vacate any cemetery grounds belonging to the city, within the city limits, they shall so declare by resolution, which resolution shall state the time limited for the removal of all bodies from said cemetery grounds, which shall not be less than two years, nor more than five years from the passage of such resolution. In case of the neglect or refusal of any person or persons owning or occupying grounds in any such cemetery, to remove the bodies interred on any such grounds, with the tombstones or other fixtures thereon, within the time limited by the resolution of the council herein specified, it shall be lawful for the common council to cause any and all such bodies, with the tombstones or other fixtures on or around any lot or lots from which the same is taken, to be removed to the cemetery grounds in use by the city within a reasonable time thereafter at the expense of the city. The city shall become possessed of any and all lots or grounds in any cemetery vacated as herein prescribed, by paying a reasonable sum to the owner or owners for the property so taken, which sum shall be determined, and the amount paid, in the manner prescribed in this act for taking private prop-

Cemeteries,
acquisition of.

Vacation of old
cemeteries.

erty for public use. As an offset to any such sum so allowed, in cases where bodies have been removed by the city, the council may charge the price of the lot in the new cemetery to which any such bodies shall be removed, and pay the balance in money: *Provided*, The price so charged for any such lot shall be the regular schedule price thereof, as fixed by the cemetery trustees: *And provided further*, That the lots in the new cemetery to which any such bodies shall be removed shall be deeded to the persons legally entitled to demand or claim the same, whenever applied for, and the officers of the city whose duty it is to execute such deeds shall be satisfied that they are making conveyances to those legally entitled to claim title to such lands.

Disposition of
grounds so
vacated.

Cemetery fund.

Idem.

Cemetery trustees, appointment, etc., of.

Pay of.

Organization and
delegated powers
of.

Sec. 2. When the dead shall be fully removed from any cemetery grounds owned by said city, it shall be lawful for the common council to sell and convey said grounds, and the moneys received from the sale thereof shall be set aside by said common council as a sinking fund, to be applied in the payment of the debt created against said city in the purchase and adornment of the new cemetery grounds known as Mount Hope Cemetery, and in the event of the payment of said bonds by said city before the sale of any such cemetery grounds, the common council shall determine how such moneys shall be disposed of.

Sec. 3. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care of any cemetery owned by the city.

Sec. 4. The common council may appoint three trustees at their first meeting in May, eighteen hundred and seventy-five, or as soon thereafter as may be, who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a "board of cemetery trustees." The three trustees so appointed shall hold their offices for the term of three years, except that, at the first appointment, one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May, eighteen hundred and seventy-five, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. The three trustees shall receive as full compensation for their services the sum of not exceeding fifty dollars each, in the discretion of the common council, per annum. The clerk shall receive no additional salary as clerk of this board.

Sec. 5. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be the clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Sec. 6. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered, and the avenues and walks to be named; and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Care and improvement of cemetery.

Sale of lots.

Sec. 7. Said board shall direct and control all labor performed in said cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such rules and regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Rules for burial, etc.

Sec. 8. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the last Monday in April, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Cemetery fund, how constituted.

Trustees to report to council.

Contents of same.

Sec. 9. The common council may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate any cemetery or burial place owned by the city, whether within or without the city limits, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Ordinances relative to cemeteries

Sec. 10. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place, within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

Idem.

TITLE IX.

MARKETS.

SECTION 1. The common council shall have the power to erect market houses, establish and regulate markets and market places, for the sale of meats, fish, fruit, vegetables, and other provisions and arti-

Markets, establishment, etc., of

cles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Regulation of.

SEC. 2. The common council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

TITLE X.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

Buildings and grounds, acquisition and disposition of.

SECTION 1. The city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

City may hold property for public use outside of city limits, and enforce regulations relative to same.

SEC. 2. When the common council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Parks.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue, public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same, and the appurtenances thereof, from obstructions, encroachments, and injury, and from all nuisances.

TITLE XI.

SEWERS, DRAINS, AND WATER-COURSES.

Sewers, etc., powers of council relative to.

SECTION 1. The common council may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations, as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may, by ordinance, prescribe their powers, compensation, terms of office, and duties.

Sewer commissioners, council may appoint, etc.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as they shall determine.

Plan of sewerage to be devised.

SEC. 4. Such plan shall, in the discretion of the council, be formed with a view of the division of the city into main sewer districts, each to include one more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

Idem.

SEC. 5. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer and such lands as, in the opinion of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Idem.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk, in the book of sewer records.

Idem.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral branch, or local sewer, constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Expense of sewers; division according to benefit.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks, in one of the

Intention to construct sewer to be advertised.

newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, with respect to such sewer.

Proceedings of council for construction of sewers.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district, and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade, and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk in the book of sewer records.

Sewers to be recorded.

Special assessments for sewers.

SEC. 10. Special assessments for the construction of sewers shall be made by the city assessor in the manner provided in this act for making special assessments, and shall be approved by the board of review, as provided in this act for the general assessment rolls of the city.

Council to act on petition for sewer.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

To act in their discretion.

Private drains may be ordered.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Private drains may connect with sewers.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

Owners of private drains liable to assessment.

SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

SEC. 15. Such part of the expenses of providing ditches and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits. Ditches, etc., expense of.

SEC. 16. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund. The expenses of constructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof. Repair of sewers, etc.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city. Ordinances for care, etc., of sewers.

SEC. 18. The Board of State Auditors shall allow the city of Lansing such sums as they shall deem just and reasonable as the proportion of the State toward the construction of any sewer which may drain any lot or block owned by the State in said city, or any sewer which may be used in any manner by the State, and the Auditor General, on the presentation to him of any such account, duly allowed, shall draw his warrant on the State Treasurer therefor. The State to share expense of sewerage of State property.

TITLE XII.

OF STREETS AND PUBLIC IMPROVEMENTS.

SECTION 1. The common council of the city of Lansing shall have power to lay out, establish, open, extend, widen, straighten, alter, close, vacate, or abolish any highways, State roads, streets, avenues, lanes, alleys, public grounds, or spaces in said city, except public grounds used and occupied by the State of Michigan, to construct any embankments or levees upon the banks of the Grand or Cedar rivers whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using the property intended to be taken, and the just compensation to be made for the same, and the damages arising to any person from the making of said improvement, shall be ascertained by a jury of twelve freeholders residing in the county of Ingham. Streets, etc., control of by council.

SEC. 2. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, describing the contemplated improvement; and if they intend to take private property therefor, they shall declare such intention and describe such property in said resolution; and further declare that they will on some day, to be named in said resolution, meet to determine the necessity for using the property intended to be taken. The common council shall give notice of such meeting, and of the intended improvement, by causing a copy of said resolution, certified by the clerk, to be delivered to the owner or owners or agent of any private property intended to be taken, or that will be damaged by said improvement, if they can be found in said city. If they cannot be found, by leaving the same at their place of residence in said city with some person of proper age; if they or their place of residence cannot be found, and such property be occupied, said notice shall be served by deliv- Manner of taking private property for the public use.
 Notice of meeting to determine necessity.

ering the same to the occupant or occupants, or by leaving the same at their place of residence within said city, with some person of proper age. But if the owner or owners or agent of such property, or their place of residence cannot be found, and it be not occupied, or if the owner or owners, occupant or occupants, be unknown, or non-residents of said city, then, in either of such cases, notice of such meeting may be given by publishing a copy of said resolution in some newspaper regularly published in said city, for two successive weeks, or by posting the same in six or more public places in said city. And all persons interested therein, after notice served upon them as aforesaid, not less than three days, or if published, as aforesaid, for two successive weeks before the time of such meeting of the common council, shall take notice of, and be bound by all subsequent proceedings without any further notice.

Hearing of parties.

Jury.

SEC. 3. Upon the day designated in said resolution, or some other day adjourned to by the common council, they shall hear the persons interested; and if, after hearing the parties interested who may appear before them, they shall determine to take the private property described in said resolution for such improvement, and shall further determine what time and place they will make an application to a justice of the peace of said city for a jury to ascertain the necessity for using the property intended to be taken, and the just damages and compensation for taking such property, it shall be the duty of the city clerk, or in his absence the mayor, to apply to the justice of the peace selected by the common council at the time and place determined on by them for a jury, at which time, or at some other time appointed by said justice of the peace, he shall make a list of the names of twenty-four disinterested freeholders residing in the county of Ingham competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal or sheriff, or any constable of said city, to summon the twelve persons whose names remain upon said list, to be and appear at his office on some day to be therein named, not less than two days nor more than six days from the time of issuing the same, to serve as jurors. The officer shall serve such summons at least one day before the return day thereof, and make return in the same manner as in the case of summons for other jurors of said court; and the person thus summoned shall be bound to attend said justice's court and serve until discharged, unless exempt and excused by said justice from serving, for the same reason that other jurors may be excused or exempted; and if all the jurors shall not appear, the said justice shall cause a sufficient number of talesmen to be summoned to make a full jury. The jurors shall be sworn to discharge their duties faithfully, and according to the best of their abilities.

Trial of the cause by the justice and jury.

SEC. 4. Said justice shall deliver to said jury a description of the improvement intended to be made, and of the property determined to be taken by the common council, certified to by the city clerk,

and the city attorney shall give said jury legal advice and counsel concerning their duties whenever requested. The jury shall go to the place of the intended improvement, and upon, or as near as practicable, to any property intended to be taken, or, as the case may be, which will be damaged or benefited; said jury shall then ascertain the necessity for using the property intended to be taken, and the compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by, the intended improvement; and in estimating any damages, they may take into consideration the benefit such improvement will be to the owner or owners of such property to be taken; and they shall award to the owner or owners of the property intended to be taken, or that will be damaged, such compensation as they shall deem just.

Manner of estimating damages.

SEC. 5. If such property shall be subject to a valid mortgage, lease, and agreement, or to either, and such facts shall be made to appear to the jury, then said jury shall apportion and award to the owners of such property, the parties in interest to such mortgage, lease, and agreement, or to either of them, such portions of the damages and compensation as they shall deem just; and in all cases where any such damages shall be awarded, they shall be payable out of the city treasury, and the means thereof shall be raised from time to time, as may be necessary, with the general city taxes.

Item for encumbered property.

SEC. 6. In cases of the laying out, establishing, opening, widening, altering, or vacating an alley or alleys, said jury shall further proceed to apportion the total damages and compensations to be paid for the proposed improvement, among the lots of land, premises, or subdivisions thereof within the block in which the alley in question is situated, and which will be benefited by the proposed improvement, apportioning and assessing the same upon said lots, premises, or subdivisions thereof, as near as may be, in proportion as the same will be benefited by said improvement. The word alley, as used in this section, shall be construed to mean only those ways or passages that bisect or divide the interior of a block. No alleys shall be opened except upon a petition of the owners of a majority of the lots on the block or blocks to be intersected thereby, and upon security being given to indemnify the city against the expenses of opening said alleys.

Alleys, jury to assess amount of award on premises benefited by.

"Alley," defined.

To be opened only on petition.

SEC. 7. Said jury, after completing the aforesaid duties, shall then make, in writing, signed by each of them, a report to said justice of the peace of their doings, and file it with said justice, within two days after they were sworn. They shall state in their report the necessity for using the property intended to be taken, and the just damages and compensation ascertained and awarded by them to the owner or owners of any private property, or to any person claiming an interest therein, by virtue of any valid mortgage, lease, or agreement to which such property may be subject, together with the name of such owner or owners and claimants, if known, and a description of the property intended to be taken. Said jury shall also, in the cases provided for in this section, state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot,

Report of jury to be in writing.

Contents of same.

- premises, or subdivisions thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and description of the same, and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Lansing; and said jury shall make a statement of the time spent by them, and shall be entitled to receive one dollar per day, and fifty cents for each half day, and the justice and officer who served said venire one dollar each for their fees.
- Pay of jurymen, etc.** **Sec. 8.** The report of said jury, filed with said justice, shall be certified by him, and delivered to the city clerk within two days after such report is filed with him; and it shall be the duty of the city clerk to inform the common council at their next regular meeting of the delivery of such report to him, which report shall then be read, and any person to whom damages and compensation may be awarded for any of his property intended to be taken, considering himself aggrieved in the award of damages assessed and returned by the jury, may appear before the common council at such meeting, or at such other meeting as the common council shall then appoint, and present his claim before said council, and said council shall hear the proofs and allegations in respect to said damages, and render their decision thereon. The common council shall thereupon confirm or annul said report as they shall deem best. A majority elect of said common council shall be necessary to decide all such questions submitted to them.
- Report to be filed with justice, and certified to council.**
- Parties aggrieved by award to be heard by council.**
- Action of council on award.**
- When the case may be re-tried.** **Sec. 9.** If the report of the jury is not confirmed by the common council, or if the jury, so summoned as aforesaid, cannot agree, or from death, sickness, or other cause shall fail to make a report within the two days above required, a second or more applications may be made by said mayor or clerk to a justice of the peace of said city, when another jury shall be obtained in the same manner, and bound to serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury; and the same proceedings shall be had as after the first jury was sworn. But no report of any jury shall be set aside or annulled for objections as to matters of form; all objections to the report of any jury shall be objections of law and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof apportioned to and assessed upon any lot of land, premises, or subdivision thereof, may be inquired into if excessively large or small.
- Objections to report, what may be valid.**
- Confirmation by council to be final.** **Sec. 10.** A decision of the common council confirming said report shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises, or subdivision thereof, according to said report, as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied. When the report of the jury has been thus confirmed, the clerk shall file it in his office, and record the same at length in a book used and known as a book of street records, and such record, or a certified copy, shall, in all courts and places, be presumptive evidence of the matter therein contained, and of the regularity of all proceedings
- Report of jury to be filed and recorded by clerk.**

from the commencement thereof to the confirmation of such report by the common council.

SEC. 11. The amounts apportioned to and assessed upon all lots of land, premises, or subdivisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury, as above provided, and may be collected in the same manner as other special assessments; and any amounts not paid to said treasurer within such time as the common council shall fix, shall be reported to the city clerk, and the clerk shall notify the assessor, and said amounts shall be assessed upon the assessment rolls of the wards in the same manner as provided by section twenty-four of this title, and shall be collected and sold as provided by said section.

SEC. 12. Within sixty days after the confirmation of the report of the jury, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them according to the report of the jury as confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the treasury of the city to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive the same. Upon such payment, tender, or deposit in the city treasury, the same shall become a public highway, and the common council may enter upon, take possession of, and convert the same to the uses and purposes for which said property has been taken; a certificate of the city treasurer of such tender, payment, or deposit, or record thereof in the book of streets records, or certified copy of such record, shall in all courts and places be presumptive evidence of the facts therein stated, of the vesting of the fee of the property in the city of Lansing, and of the right of the common council to take possession of, and convert the same to the uses for which it has been taken.

SEC. 13. The common council shall have power to treat for and obtain release of the right of way of any street intended to be opened or laid out by them; and whenever any person or persons owning the land through which a street is intended to be opened, shall release to the city of Lansing the right of way by deed or otherwise, and any such release shall be recorded in the book of street records, by order of the common council, the same shall become a public highway.

SEC. 14. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, sidewalks, streets, bridges, lanes, alleys, parks, and public grounds therein, not belonging to or occupied by the State; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing, and securing of such highways, sidewalks, bridges, lanes, alleys, parks, and public grounds, and to cause the same to be repaired, cleansed, improved, and secured from time to time as may be necessary; to regulate the roads, streets, high-

Payment, etc., of special assessments.

Time for tender of payment for property taken by the city.

Effect of tender to be final.

Council may negotiate for right of way without proceedings at law.

Council to be commissioners of highways.

Powers and duties as such.

ways, lanes, parks, and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution entered in their minutes; to appoint and assign to each of such districts so many inspectors of streets as they shall from time to time deem proper.

Powers of council relative to bridges, pavements, shade trees, and the filling up of low land.

Expenses for the same, how defrayed.

Proviso—exemption of State property.

Special powers of the council for the regulation of business, etc., the removal of nuisances, and the imposition of penalties.

SEC. 15. The common council shall have power to cause arches and bridges, wells and pumps and reservoirs to be built in any part of the city; to cause the grading, raising, leveling, repairing, amending, paving, or covering with stone, plank, or other material, any street, lane, alley, highway, public grounds, crosswalks, or sidewalks, and to provide for the planting and protecting of shade trees along the sides of the streets and public grounds in said city; to cause any lots, blocks, or land within said city on which or any part of which water shall stand and become stagnant, to be raised, filled up, or drained, and whenever the common council shall order any of the improvements that are mentioned in this section, or any section of title twelve of this act, and do not determine by resolution that the expenses of any such improvement shall be defrayed by the city or ward, or as provided by section seventeen of said title twelve of this act, then such expenses of making any such improvement may be assessed and levied upon the lots, premises, and subdivisions thereof which are in front of or adjoining such streets, sidewalks, and other improvements that may be ordered by the common council, or upon the lots, blocks, or lands which may be in whole or in part filled up or drained; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting any such tax, and may provide by ordinance for assessing such tax in the general assessment rolls of the city, which tax shall be and remain a lien upon the land, and if not paid the land may be sold therefor in the same manner as provided for ordinary city taxes: *Provided*, That no lands or property belonging to the State shall be liable to taxation under any of the provisions of this act.

SEC. 16. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads

of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, and telegraph poles in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls, in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships, and to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to compel such buildings to be erected upon such line by fine upon the owner or builder thereof, not to exceed five hundred dollars.

SEC. 17. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans, and assessments incidental thereto shall be included in the estimated expenses of such improvement: *Provided*, That in case of grading any street, a majority of the residents of said city owning property on any such street shall petition for such grade. If, after the survey and estimate of the expenses of said grade has been made, and before a contract is entered into by said city for the grading of any such street, a majority of such property owners shall remonstrate against said grade, and pay the expenses of the survey and estimates, such grade shall not be made unless petitioned for again, and then not until after one year from said first petition.

Proceedings when expense of public improvements is borne by property benefited.

proviso—street grading.

SEC. 18. The assessor shall thereupon make an assessment upon all the owners or occupants of lands and houses within the portion

Special assessments for improvements, manner of making.

of the city so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by the making such improvements, and shall make out an assessment roll in which shall be entered the names of persons and the description of the property assessed, and the amount assessed to each person respectively, and in case any lots or parcels of real estate shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, with the amount assessed thereon, which assessment roll shall be subscribed by him and returned within fifteen days to the common council of said city, unless such time be extended by resolution of said common council.

Notice of same to be advertised.

SEC. 19. Upon such return being made and filed, the clerk of the city shall cause notice to be published in a newspaper of the said city for at least ten days, giving a general description of the section or the portion of the city determined by the common council to be benefited by such improvement, and that said common council will, at a time and place to be designated in said notice, meet and review said assessment roll.

Hearing to be had on the same.

SEC. 20. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same person or by such other person as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment; or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Confirmation of same to be final.

SEC. 21. Every assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax.

Collection of same.

Same a lien on the property: levy and sale for non-payment.

SEC. 22. When any special assessment for public, local, or other improvements, or for any other purpose authorized by this act, shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, the same shall be a lien upon the premises upon which the same was assessed, and the treasurer collecting such tax shall levy and collect the same of any personal property in the possession of that person chargeable with such tax, in the manner required by law; and in case sufficient personal property cannot be found whereon to levy

and collect such tax, the treasurer shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the assessor of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll of the proper ward next thereafter to be made, and such tax shall then be levied, collected, and returned, and the said premises may be sold or forfeited for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Incorporation of
in general tax
roll.

Sec. 23. If upon completion of any such improvement for which an assessment shall have been made it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons owning the property assessed, in proportion to the amount collected of each description of such property, and shall pay the same to the person or persons who paid such excess, on demand.

Disposition of
surplus.

Sec. 24. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated, as aforesaid, the common council may direct the assessment of the whole sum on the owners and occupants of houses and lands benefited by such improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

Deficiency, how
made up.

Sec. 25. Whenever any special assessment to defray the expense of any improvement shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid, by the judgment or decree of any court of competent jurisdiction, said council may from time to time, until a valid assessment is made, cause a new assessment to be made for the purpose for which the original assessment was made, and in the manner provided for making the original assessment; and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as aforesaid, has been paid, and shall not have been refunded, it shall be the duty of the treasurer to apply said payment upon the re-assessment on said lot or parcel of real estate, and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied, after which no part of the amount paid on the original assessment shall be refunded unless the amount paid, as aforesaid, exceeds the amount of the re-assessment, in which case the excess shall be refunded, and the person who paid the same shall be the person entitled to the amount to be refunded. All the provisions of this act making special assessments a lien upon

Proceedings on
invalid assess-
ments.

the lots and parcels of real estate enforced therein, and also those relating to the collection of special assessments, shall apply to re-assessments. The provisions of this section shall apply to assessments heretofore made as well as those which shall hereafter be made.

Warrant for collection of taxes may be renewed.

SEC. 26. Whenever any special assessment shall not have been collected within the life of the mayor's warrant, affixed to the assessment roll, and shall not have been vacated or held invalid, the mayor may affix a new warrant to such assessment roll, extending the time for the collection of the same so long as the common council shall direct, and may continue to affix new warrants to any such assessment roll, from time to time, under the directions of the common council, until the assessment is collected or returned.

State to share expense of improvements of streets on which its property abuts.

SEC. 27. The board of state auditors shall allow the city of Lansing such sum or sums of money as they shall deem equitable for any improvements made under this title, upon any street upon which any block or parts of a block of land belonging to the State shall abut, and the Auditor General, on the presentation to him of any such account duly allowed, shall draw his warrant on the State Treasurer therefor.

Liability of non-resident lands to tax for improvements.

SEC. 28. The common council is authorized to assess the lands of non-residents and unoccupied lands of said city their just proportion of the expenses of all improvements in said city in the same manner, and the amounts so assessed may be collected in the same manner as assessments for improvements on other lands. It shall in all cases be the duty of the owner of every lot or parcel of land in said city to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalk, and it shall be his duty to build sidewalks in front of or adjoining his premises. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served, or published, as the common council may direct by ordinance, resolution, or otherwise, shall fail or neglect so to do, for such time, not less than twenty-four hours, as the common council, by a general or special ordinance, resolution, or otherwise, may fix, the common council may cause the same to be done at the expense of the city, and may add such expense to the amount of the general city tax on such land in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected, the land sold therefor, in the same manner as for general city taxes. All sidewalks built shall be made of the material, and be constructed in the manner and of the width, as the common council shall, by a general ordinance, resolution, or otherwise, direct.

Owners to keep sidewalks in repair and clear of snow and ice.

Neglect to comply.

Sidewalks to be built by direction of council.

Limit of amount of special assessments and orders for work done.

SEC. 29. In all cases of special assessments for local improvements, no orders or warrants shall be issued that will in the aggregate exceed the expense of such improvement, and in no case shall orders be issued while the work is in progress, to a greater amount than three-fourths of the expense made at the time of issuing the same, to be ascertained from the sworn estimates of the city

engineer or other person employed by the common council for that purpose; and in case of any re-assessment the whole amount so re-assessed shall not exceed the amount necessary to defray the expense of the improvement for which such re-assessment is made, with the accumulated interest.

SEC. 30. All bridges over the Grand, Cedar, and Sycamore rivers, and such other bridges as a majority of the common council elect shall by resolution determine, within the limits of said city, shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby authorized to levy, assess, and collect, in addition to all other taxes, a sufficient amount of tax annually for that purpose, which tax shall be known and designated as "bridge tax," and shall be used for no other purpose: *Provided*, That not more than three thousand dollars shall be raised in any one year, unless all additional sums be directed to be raised by the electors of the city upon a question submitted to and voted for by them as provided in section five of title thirteen of this act.

Bridges, building and care of.

Proviso—limit of bridge tax.

SEC. 31. The common council are authorized to borrow, on the faith of the city, such sums of money, not exceeding twenty-five thousand dollars, for bridge purposes, as the common council may deem necessary, for a term not exceeding twenty years, at a rate of interest not exceeding ten per cent, and for such purposes may issue the bonds of the city, signed by the mayor and countersigned by the clerk of the city, in such form and sums as the common council shall direct; such bonds shall be disposed of under the direction of the common council, for a sum not less than their par value, and the avails thereof shall be applied to the purposes for which such money was raised, and for no other purpose: *Provided*, That no bonds shall be issued by order of the common council for such purpose specified in this section, unless the amount of such bonds shall have been determined by a vote of the electors of the city; such meeting to be called, and the vote to be had and determined in the manner provided for in section five of title thirteen of this act.

City may borrow money for bridge purposes.

Proviso—issue of bonds therefor, how determined.

SEC. 32. The city shall not be responsible for the care, improvement, or repair of any street or alley hereafter laid out or dedicated to public use by the proprietors of any lands, unless the dedication shall be accepted and confirmed by the council; and to enable the council to determine whether they will accept and confirm any such alley, street, or streets, a certified copy of the plat of the same, and if a part of any addition to the city, a certified copy in full of such addition, shall be filed by the owner thereof with the city clerk prior to the confirmation or acceptance of any such street or alley by the common council.

Dedication of lands for streets to be accepted before city is liable for care of same.

TITLE XIII.

OF TAXES, FUNDS, AND EXPENDITURES.

SECTION 1. The city assessor shall, before the thirtieth day of July in each and every year, make and complete the assessment of all the real and personal property within the several wards, in the same manner, as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so

Assessment, time for making.

doing shall in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property and the levying of taxes.

Assessment on
part paid State
lands.

SEC. 2. For the more effectual assessment and collection of taxes upon such State lands, whether primary school, State building lands, or otherwise, lying within the limits of the said city, as shall have been or shall hereafter be sold by the State, upon which the purchase money has not been all paid, and the title to which remains in the State, it shall be the duty of the city assessor, at least thirty days before the time prescribed in this act for completing the assessment rolls, to apply to the commissioner of the State land office, and it shall be the duty of the said commissioner, on such application, to make out and deliver to the said assessor a correct list and description of all such State lands within the limits of the said city, which list shall be filed by said assessor and kept in his office, and so much thereof as shall be situated in any of the wards of the said city shall be enrolled in a separate part of the assessment roll of such ward, under the title of "State lands," and if occupied shall be assessed to the owner, occupant, or occupants thereof, but if not occupied, and the owner be not known, shall be assessed as non-resident.

Board of assess-
ment review,
meeting and
duties of.

SEC. 3. The supervisors of the several wards, together with the city assessor, shall constitute a board of review of assessments. On the first Monday in August of each year the said board of review shall meet at the common council room, and there proceed to review and correct the assessments made by the city assessor in the several wards; and for that purpose said board shall have the same powers, and perform the same duties, in all respects, as supervisors of townships, in reviewing and correcting assessments made by them; and shall also have the power, and it shall be their duty, to equalize the assessment rolls of the several wards of the city. Said board shall continue in session not more than five days, for the purpose of completing such review, during the first three of which any person interested may be present and make appeals and be heard. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the city clerk by publication in one or more of the newspapers of the city, and by posting notices in three of the most public places in each ward at least one week before the time for the review.

Notice of meet-
ing.

Assessment to
be certified by
board of review.

SEC. 4. When the board shall have reviewed, corrected, and equalized the assessment rolls of the several wards, they shall, in addition to the certificate required to be made by the city assessor, add their own certificate to each roll, signed by at least a majority of them, showing that they have reviewed and equalized the rolls, and within thirty days thereafter the city assessor shall deliver a certified copy of such assessment rolls to the city clerk, to be filed in his office for the use of the council. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held, or

owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering, correcting, or equalizing any assessment. The board shall certify the equalized valuation of each of the several wards to the common council on the second Monday in August.

Time for report to council.

Sec. 5. It shall be the duty of the common council, on the second Monday in August of each year, to determine by resolution the amount necessary to be raised by tax, for the following general purposes, in said city, viz: Contingent expenses, fire department, sewerage, paving, the erection of public buildings, and the purchase of lands therefor, cemetery, bridges, interest and sinking fund, and for paying any liabilities which may have been incurred by said city. The common council may raise by tax, to be levied upon the real and personal property within said city, such amounts so determined, not exceeding seven mills on the dollar (exclusive of interest on the bonded debt of the city and bridge and fire department taxes), on the assessed valuation of such real and personal estate, within the limits of said city, according to the valuation thereof taken from the assessment rolls of that year, which amounts, determined as aforesaid, shall be apportioned among the several wards of the city according to the valuation of the property in the assessment rolls, as equalized by the board of review of the city, provided for in section three of this title, and the apportionment of the common council shall be entered at large on the records: *Provided*, That by a three-fourths vote of all the members elect of the common council they shall have power to increase the aggregate amount so to be raised to one per cent on the dollar of the assessed valuation of the city; and the common council, in addition to the other amounts herein authorized to be raised, shall determine the amount necessary to be collected in each ward respectively, for ward and highway purposes, not exceeding two thousand dollars in any one ward; but all ward and highway taxes shall be passed to the credit of and expended in the ward in which they may be collected; and it shall be the duty of the assessor to levy the sums so apportioned to the respective wards upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. It shall be the duty of the city assessor to levy the sums apportioned to the respective wards for State and county taxes, and such other taxes as may be required by law, upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. Whenever the common council shall deem it necessary to raise a greater sum in any one year than the amount specified and limited in this section, they may call a meeting of the electors of said city, by giving at least ten days' notice in writing, to be posted up in six public places in said city, and by publishing said notice in one or more of the newspapers published in the city, which notice shall state the time and place of said meeting, and the purpose for which the money to be raised is to be expended; and when such meet-

Council to determine amount of taxes.

Purposes of same.

Limit of rate of taxation.

Proviso—idem.

Manner of levy of taxes.

Citizens' meeting may increase rate of taxation.

Proviso—limit of increase.

Proviso—limit of citizens' meetings.

Tax rolls, time for completion and delivery to treasurer.

Notice of delivery of roll to treasurer to be advertised.

Taxes a lien on property.

Delinquent taxes, law to apply to.

ing shall be assembled in pursuance of such notice, such electors, by ballot, shall determine what amount of money shall be raised for such object specified in the notice: *Provided*, That such tax voted at any such meeting shall not in any one year exceed one per cent upon the assessed valuation of the real and personal property taxable within the city, unless otherwise provided in this act: *And provided also*, That not more than two such meetings shall be called or held in any one year; and at all such meetings the mayor, or in his absence, any member of the common council present, shall preside.

SEC. 6. The city assessor shall make and complete tax rolls of the several wards of the city, and shall carry out in appropriate columns, opposite the several descriptions of land in each ward, the amount due from each such description of land for all taxes assessed for the year, except State, county, and school taxes, and shall deliver the same to the city treasurer on or before the first Monday in September of each year, and a copy thereof to the city clerk, with his warrant attached to each of said assessment rolls, under his hand, commanding such treasurer to collect within forty days, from the several persons named in said rolls, the several sums mentioned in the last column of said rolls opposite their respective names, and pay the same into the city treasury to the credit of the several funds for which the assessments are made; and the said warrant shall authorize the city treasurer, in case any person named in the assessment rolls shall neglect or refuse to pay his tax, to levy the same by distress and sale of goods and chattels of such person. And when such tax rolls are delivered to the city treasurer, as aforesaid, he may notify the tax-payers of the city by publishing such notification in one or more of the newspapers published in the city, for at least five days, and after such notification it shall be the duty of each and every person against whom taxes are assessed to pay the same at the office of said city treasurer.

SEC. 7. The taxes so levied for city and ward purposes shall be and remain a lien upon the property on which the same was levied, in like cases, and to the same extent, as taxes required by law to be levied on property in the several townships in this State are liens upon property. And within thirty days after the expiration of the time named for the collection of such taxes in the preceding section, the city treasurer shall return a list of all such unpaid taxes to the common council, and the common council shall direct the city assessor to carry into his next assessment roll for State, county, and school purposes all such delinquent taxes so returned, with a penalty of ten cents on each dollar of the sum total of taxes assessed to each particular description of land, and which penalty shall be carried out opposite to each such particular description of land, in a column provided for that purpose, and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for the next non-payment of such city taxes, except as herein otherwise provided.

SEC. 8. The city assessor shall make and complete, as far as pos-

sible, tax rolls of the several wards of the city, in the manner and at the time provided in the preceding section, for spreading thereon the amounts apportioned against the several wards for State, county, and school taxes, and shall complete said rolls, and deliver them to the city treasurer at the time prescribed by law for the delivery of the township rolls to the township treasurer, and a copy to the city clerk, with his warrant attached to each of said assessment rolls under his hand, commanding such treasurer to collect from the several persons named in said rolls the several sums mentioned in the last column of said rolls opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of January then next; and the said warrant shall authorize the city treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of goods and chattels of such person. And when such tax rolls are delivered to the city treasurer as aforesaid, he may notify the tax-payers of the city, by publishing such notification in one or more of the newspapers published in the city, for at least two successive weeks; and after such notification, it shall be the duty of each and every person against whom taxes are assessed to pay the same at the office of said city treasurer.

Tax rolls, time for completion and delivery to treasurer.

Notice of delivery of same to treasurer to be advertised.

SEC. 9. For the collection of all taxes the treasurer shall be entitled to receive such percentage as shall be prescribed by the common council by ordinance, not exceeding two per cent upon the sum to be collected.

Fees for collection of taxes.

SEC. 10. The net proceeds of the sales of all property delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Ingham, whenever required by the city treasurer, and the net proceeds of all sums paid to the treasurer of the county of Ingham before sale, on account of property within said city returned delinquent for non-payment of city taxes, shall in like manner be paid to said city treasurer.

Proceeds of sale of delinquent tax lands, how recovered by the city.

SEC. 11. It shall be the duty of the commissioner of the State land office, within ten days after the receipt by him of the returns of the treasurer of the county of Ingham, of land assessed as State lands, as provided in section two of this title, to cause to be made out, certified, and delivered to the Auditor General a correct list of all said State lands, together with the taxes assessed thereon, so returned to him as aforesaid; and the Auditor General shall thereupon cause to be credited to the said county of Ingham all taxes so returned.

Commissioner State Land Office to furnish list of lands to Auditor General.

SEC. 12. It shall be the duty of the said commissioner of the State land office, on receipt of the returns as provided in the last preceding section, forthwith to charge to each description of land contained in such returns the taxes appearing thereby to have been assessed therein; and thereupon such taxes, together with the interest thereon at the rate of fifteen per cent per annum, from the first day of February next preceding, shall remain and continue a charge and lien

Same to charge lands with taxes and penalty.

Same to be a lien.

upon the interests of the respective purchasers of such lands, to the same extent, and shall be enforced and collected in the same manner in every respect as now is, or shall hereafter be provided by law for the enforcement and collection of the interest upon the balance of purchase money remaining unpaid upon such lands.

Limit of amount
council may bor-
row.

SEC. 13. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money or authorize any creation of any liability or indebtedness against said city in any one year exceeding in the aggregate the amount of one per cent of the assessed valuation of the property in said city; nor shall it be lawful for the city to ever create an indebtedness, bonded or otherwise, which shall exceed ten per cent of the assessed valuation of the property therein; and in case any sum or sums of money shall be borrowed by said common council the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purpose of local improvements.

Sinking fund,
council to pro-
vide for.

SEC. 14. It shall be the duty of said council, in each and every year, so long as the city shall remain in debt to the amount of ten thousand dollars, to include in the taxes levied not less than one-tenth of one per cent, nor more than one-half of one per cent of the assessed valuation, to be used as a sinking fund to reduce the indebtedness of the city by purchase of outstanding bonds and obligations as the common council shall determine.

Demands
against the city,
settlement and
payment of.

SEC. 15. The common council shall examine, settle, and allow all accounts and demands properly chargeable against the city, as well as of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained.

Money to be
drawn from
treasury only on
appropriation.

SEC. 16. No money shall be drawn from the city treasury except school moneys, unless it shall have been previously appropriated to the purpose for which it shall have been drawn; and all ordinances, resolutions, and orders directing the payment of money shall specify the object and purposes of such payment, and the fund from which it shall be paid, which shall be certified by the clerk and countersigned by the auditor before the same shall be paid by the treasurer.

Indebtedness
may not be in-
curred contrary
to this charter.

SEC. 17. No bond, obligation, or evidence of indebtedness of said city shall ever be given or issued, nor shall any debt be contracted by said city, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money except as expressly provided in this act, or by an act of the legislature. Nor shall any order or warrant for the payment of money be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same, except in payment of the necessary contingent expenses of the city, unless the same shall have been sub-

Orders on treas-
ury not to exceed
cash on hand.

mitted to and voted for by the electors of said city in conformity to this act, or an act of the legislature: *Provided*, That in cases of special assessments, under title twelve of this act, orders or warrants may be drawn to the amount of the assessment made.

Proviso—special assessments.

SEC. 18. The common council shall have power and authority to make and establish all necessary by-laws for the assessment and collection of taxes, and every local, special, or general assessment, or tax lawfully imposed by said common council, on any lands, tenements, hereditaments, or premises whatever in said city.

Council may make by-laws for the assessment and collection of taxes.

TITLE XIV.

OF PREVENTION AND EXTINGUISHMENT OF FIRES.

SECTION 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate such ordinances or regulations, shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Common council to regulate the construction of buildings so as to prevent fire.

SEC. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other buildings for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Idem.

SEC. 3. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

Council may require possession of fire buckets.

SEC. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein any chimneys, flues, stove-pipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expense thereof, and ten per cent in addition, from the owner or occupant whose duty it was to have the same cleansed.

General regulations for prevention of fires.

SEC. 5. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and exam-

Enforcement of same.

ine all dwelling houses, buildings, and tenements of every description, and all lots, yards, and enclosures, and to cause such as are dangerous to be put in a safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Appliances for
extinguishing
fires, council
may provide.

SEC. 6. The common council may procure, own, build, erect, and keep in repair, such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire hooks, and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, and reservoirs of water, as they from time to time shall judge necessary.

Fire districts.

~~Fire districts.~~

Fire department.

SEC. 7. The common council shall have power to organize said city into as many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, one assistant engineer, twice as many wardens as there are wards in the said city, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men as may be appointed by the said common council, all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

Council to pre-
scribe rules for
government of
firemen.

SEC. 8. The common council may make rules and regulations for the government of said engineers, wardens, firemen, hook and ladder men, and tub and hose men, and may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercises, and may impose reasonable fines for the breach of any such regulations.

Duties of engin-
eers, etc.

SEC. 9. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the city clerk that a person is or has been a fireman, shall be evidence of the facts

in all courts and places, on proof of the genuineness of such certificate.

Sec. 10. The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Council to regulate the ringing of fire bells.

Sec. 11. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive in his person or property in consequence of his exertions at any fire.

Council may provide compensation for injury to firemen.

Sec. 12. The common council may, by ordinance—

First, Prescribe the duties and powers of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Council may make special ordinances relative to duties of engineers, etc.

Second, Prescribe the powers and duties of the mayor and aldermen at such fires, and in cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistant during any fire;

Relative to duties of mayor and aldermen at fires.

Third, Provide for the removal and keeping away from such fires of all idle, disorderly, or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens, or officers of the city;

Relative to keeping away disorderly persons.

Fourth, Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal, and securing of property exposed to danger by fire;

Relative to compelling assistance, etc., at fires.

Fifth, To compel the marshal, constables, and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

Relative to duties of marshal, etc., at fires.

Sec. 13. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or directly or orally any constable, watchman, or any citizen to arrest such person and confine him temporarily in any safe place, until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly.

Penalty for disobedience of officers at fires.

Sec. 14. Whenever any building in said city shall be on fire, it shall be the duty and be lawful for the chief engineer, with the consent of the mayor or any alderman, or any two aldermen, to order and direct such building, or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed; and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of three months, if any such application shall have

When buildings may be torn down to arrest progress of fire.

Payment of damages therefor.

been made in writing, the common council shall either pay to the said complainant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment of the same in the same manner as is provided by this act for the ascertainment, assessment, collection, and payment of damages sustained by the taking of lands for purposes of public improvement.

Method of computing the damages.

SEC. 15. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of said building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

TITLE XV.

OF PUBLIC SCHOOLS.

City to be one school district.

Body corporate, etc.

SECTION 1. The city of Lansing shall constitute one school district. The members of the board of education shall be a body corporate, by the name and style of "The Board of Education of the city of Lansing," and by that name may be sued, and shall be subject to the laws of this State relative to corporations that may be applicable thereto. They shall hold and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the common school or schools within said city.

Board of education, quorum, officers, etc.

SEC. 2. The board of education shall meet, from time to time, at such place in said city as they may designate. A majority of all the members shall constitute a quorum. They may elect from their number a president, clerk, and treasurer. The said board shall keep a record of their proceedings, which shall be signed by the president and clerk; and any proceedings of said board, certified by the president and clerk, shall be evidence of the facts therein contained. The justices of the peace shall have jurisdiction over all prosecutions for the violation of the by-laws and ordinances passed by said board.

Special powers and duties of board of education.

SEC. 3. The board of education shall have full power and authority, and it shall be their duty:

First, To purchase sites and build school-houses in said city, except as hereinafter provided;

Second, To establish a high school in said city;

Third, To appoint a superintendent of the common schools in said city, under the charge of said board, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe; and it shall be his duty to act as clerk of said board if required;

Fourth, To establish a school library in said city, and designate the place or places where the same shall be kept, and to appoint a librarian, who shall not be entitled to any compensation for services as such librarian ;

Fifth, To apply for and receive from the county or city treasurer, or other officers, all moneys appropriated or belonging to the primary school funds of said city, or for library purposes, and to expend the same according to law;

Sixth, To make by-laws and ordinances for taking the census of the children of said city; for making reports and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city; for visitation of schools and the length of time schools shall be taught, which shall not be less than nine school months in each year; for the employment and examination of teachers, and their powers and duties; for the regulation of schools, and the books to be used therein; for the appointment of necessary officers, and to prescribe their powers and duties; for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of the public schools.

SEC. 4. The treasurer of said city shall collect the money and keep all school funds belonging to said city separate from all other funds, and he shall pay over to the treasurer of said board all moneys on the order of said board; he shall report to the board the condition of the school fund whenever requested by them.

School funds to be kept separate by city treasurer.

SEC. 5. The board of education of said city are hereby authorized, and it shall be their duty, once in each year, to ascertain and determine, by resolution passed at any regular meeting of said board, by a vote of a majority of all the members, the sums necessary and proper for any or all the following purposes:

Board to determine amounts necessary for each class of expenditure for school purposes.

First, To lease, enlarge, alter, improve, and repair school-houses, and their out-houses and appurtenances;

Second, To purchase, exchange, improve, and repair school apparatus, books, furniture, and appendages;

Third, To procure fuel, and defray the contingent expenses of the schools, and the expenses of the school library of said city, and the necessary contingent expenses of said board;

Fourth, To purchase books for the school library of said city, to an amount not exceeding one hundred dollars in any one year;

Fifth, To pay teachers' wages after the application of public moneys which may by law be appropriated and provided for that purpose; and the amount so determined by said board shall be submitted by them to the voters of said district at the annual school meeting, or at a meeting regularly called for that purpose; and the voters at such meeting shall determine, by a majority of the voters present, whether said sum, or any part thereof, shall be raised on

Same to be submitted to voters for approval.

the taxable property of said district; and the clerk of said board of education shall certify to the city assessor, whose duty it shall be to assess the ordinary city taxes, the sums so ascertained and determined by said meeting; and the said city assessor, whose duty it shall be to assess the ordinary city taxes, shall levy the sums so cer-

Levy of same on taxable property in the city.

tified to them upon the taxable property of said city, in the same manner and at the same time as the State and county taxes are levied.

Treasurer of board, duties and bonds of.

SEC. 6. The treasurer of said board shall have charge of all moneys or funds belonging to the board, and he shall pay them out only upon the order of said board, signed by the president and countersigned by the clerk thereof. Said treasurer shall give bonds, with good and sufficient sureties, for at least double the amount of moneys intrusted to his hands, for the faithful discharge of his duties.

Board to determine amount to be raised for building purposes.

SEC. 7. Whenever the said board shall from time to time determine by resolution what sum or sums of money may be necessary to erect school buildings, or a school building on block eighty-one of said city, or other buildings used for school purposes in said city, said sum, or such part thereof as they may deem necessary, shall be assessed and levied on the real and personal property of said city for such building purposes, to be collected as other school moneys, and applied by said board for building as aforesaid: *Provided*, Said resolution shall have been first approved by said school district, to be determined by a majority of the votes cast in said district, at a regular city election, or at a school meeting of said district called by said board for that purpose, said meeting to be called in the same manner as is provided by law for school districts in this State.

Proviso—same to be approved by voters of district.

Vacancies on board, how filled.

SEC. 8. In case of a vacancy in the office of a member of said board, the same shall be filled by appointment by a majority of said board, of a person from the ward in which such vacancy exists, which appointment shall be until the next annual election, and until his successor is elected and qualified.

General school laws; force of, in district.

SEC. 9. All provisions of the general laws of this State relative to common and union schools shall apply and be in force in said city, except such as may be inconsistent with the provisions of this act, or with the by-laws and ordinances of the board of education made under this act.

Members of board not to be interested in contracts.

SEC. 10. No member of the board of education shall be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any act or ordinance of said board of education, nor be surety or bondsman on any contract or bond given to said city or board of education.

TITLE XVI.

MISCELLANEOUS PROVISIONS.

Sureties, determination of sufficiency.

SECTION 1. The common council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required, under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination, under oath, as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Sec. 2. The mayor, or chairman of any committee or special committee of the common council shall have power to administer an oath, or take an affidavit in respect to any matter pending before the common council or such committee. Oaths before council—administration of.

Sec. 3. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury. Perjury under this act.

Sec. 4. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law. Costs of suits against officers.

Sec. 5. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city at least ten days before the day of appearance mentioned therein. Process against the city, issue and service of.

Sec. 6. The style of all ordinances shall be, "Be it ordained by the common council of the city of Lansing." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected. Ordinances, style and votes on passage.

Sec. 7. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, or any board thereof, to his own use, or shall, directly or indirectly and knowingly appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and, on conviction, may be punished by fine, not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court. Malfeasance in office defined.

Sec. 8. The common council shall have power to contract with any safe bank, banks, banker, or bankers in said city for the safe keeping of the public moneys belonging to or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law, upon such moneys of the corporation, or in its custody, deposited with such bank, [banks,] banker, or bankers, and to be drawn on account current from such bank, banks, banker, or bankers by said city or proper officer thereof, and such interest shall belong, and be credited to the contingent fund of said city. And the common council may, by ordinance or otherwise, make such rules and regulations, and prescribe such conditions relative to the letting of said contract, the drawing upon said moneys so deposited, and the securities to be given by such bank, banks, Penalty therefor Council may contract with banks for safe keeping of moneys and use of same, etc.

banker, or bankers, for the moneys so deposited, as to said common council may seem just and for the best interest and security of said city.

Vagrancy defined.

SEC. 9. All persons being habitual drunkards, destitute, and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market-places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, passages, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace of said city, be sentenced to confinement in the county jail or city penitentiary, for any time not exceeding sixty days.

Punishment.

Supplies, etc., for city, rules for purchase of.

SEC. 10. No property, supplies, or other article of whatever name or nature, shall be purchased for or in behalf of the city, unless ordered by vote of the common council, or with the written consent of the mayor or city clerk; the city clerk shall keep a record of all property purchased for the city, and shall charge the same to the officer or department for whom the same was purchased and receiving the same, and shall report annually to the common council, on the last Monday in April, a detailed list or statement of all such property or supplies so purchased, and to whom delivered. It shall also be the duty of each and every officer or employe of the city to make a report annually, in writing, on the last Monday in April, of all property or effects in his hands belonging to the city, which several reports shall be referred to a committee of the council for examination. Any officer or employe of the city who shall fail or neglect to make the report provided in this section shall be deemed guilty of a misdemeanor, and may be prosecuted, tried, and convicted thereof according to law.

Confinement of offenders against the city.

SEC. 11. Any person arrested by virtue of any process issuing from any court of justice in said city, or by authority of any officer of said city, may be confined in the city penitentiary, in the same manner as prisoners are, or may be detained in the jail of Ingham county; and any law of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said prison: *Provided*, That the common council or mayor of said city may at any time direct any or all such prisoners to be removed from said penitentiary to the jail of the county of Ingham: *And provided also*, Such prisoners, or any of them, may at any time, in the first instance, be confined in the said county jail whenever the same may be deemed necessary by said common council; and the keeper of said jail or penitentiary shall be allowed such compensation for keeping and providing for prisoners confined therein as the common council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors of Ingham county for county prisoners.

Proviso—removal to jail may be ordered.

Proviso—idem.

Expense of same

SEC. 12. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Lansing, under the direction of the common council, or of the attorney of said city; and no person, being an inhabitant, freeman, or freeholder of the said city shall be disqualified for that cause from acting as a judge, justice, or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the common council, nor from serving any process, or summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest, or investigation the said city, or any city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

Suits in behalf of city, manner of bringing and rules to govern.

SEC. 13. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Ingham in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said city.

Judgments against city may be appealed, etc.

SEC. 14. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of the said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary, for such time as shall have been directed by the ordinance of the common council.

Execution for penalty, issue and terms of.

SEC. 15. The common council may direct any moneys that may have been recovered for penalties or forfeitures to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits.

Money arising from penalties, use of.

SEC. 16. The expenses of apprehending, examining, and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed, and paid by the supervisors of the county of Ingham in the same manner as if such expenses had been incurred in any town of the said county.

Expenses for arrest, etc., of offenders against the State.

SEC. 17. The city treasurer shall report to the common council on the first Monday in May, eighteen hundred and seventy-five, or as soon thereafter as may be, the *pro rata* amount of unexpended money to the credit of the highway and ward funds of the third and fifth wards for said year, which rightfully belong to the sixth ward created by this act, and the common council shall direct the treasurer, on the receipt of such report, to credit to the respective funds of the sixth ward such amounts so reported, if found to be correct.

Treasurer to report to council.

Acts repealed.

Rights unimpaired.

Ordinances to continue in force.

SEC. 18. All acts and parts of acts relating to the incorporation of the city of Lansing, or to the revision or amendment of the charter of said city, not expressly embodied in or made a part of this act, are hereby repealed; but nothing in this act contained shall be construed to destroy, impair, or take away any rights or remedy acquired or given by any act hereby repealed; and all proceedings commenced under such former acts shall be carried out and completed, and all prosecutions for any offense committed, or penalty or forfeitures incurred, shall be enforced, in the same manner in all respects, with the same effect as if this act had not been passed; and all ordinances, by-laws, or resolutions of said city, not inconsistent with the provisions of this act, shall continue and be in force until the same are canceled or repealed, as fully as though this act had not been enacted; and all officers now holding office in said city shall hold the same for the time for which they were elected; unless sooner removed for cause, as herein provided.

SEC. 19. This act shall take immediate effect.

Approved March 25, 1875.

[No. 283.]

AN ACT to amend section two of article six of act number two hundred and forty-five of the session laws of eighteen hundred and sixty-nine, entitled "An act to revise the charter of the village of Allegan."

Section amended

SECTION 1. *The People of the State of Michigan enact*, That section two of article six of act number two hundred and forty-five of the session laws of eighteen hundred and sixty-nine, entitled "An act to revise the charter of the village of Allegan," be amended so as to read as follows:

Board of trustees; powers of.

SEC. 2. The board of trustees shall have full power within said village:

To elect president pro tem.

First, To elect one of their number president *pro tem.*, as hereinafter provided;

To define powers of officers.

Second, To declare and define the powers and duties of the officers of said village whose powers and duties are not specifically prescribed in this act;

To determine sufficiency of sureties.

Third, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;

To provide for care of public property, water works, etc.

Fourth, To provide for the care, custody, and preservation of the public property of said village, to provide for hydraulic works in said village, and the placing of pipes, mains, and hydrants for the extinguishment of fires and the supplying the inhabitants thereof with water upon uniform rates, and to appoint a commission or board to have the charge thereof, under such by-laws or ordinances as may from time to time be adopted by said common council;

Fifth, To see that the several officers of the village perform their

duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them ;

To superintend village officers.

Sixth, To purchase and keep in order fire engines, and other fire apparatus, and to make all needful rules and regulations for the safe-keeping of the same, and to organize a fire department and define their duties, and the duties of citizens at fires, and prescribe penalties for the violation thereof ;

To purchase fire engines, and make rules concerning the same

Seventh, To establish fire limits within which no wooden building shall be built, enlarged, moved, or placed ; to regulate party walls, chimneys, flues, and putting up stoves and stove pipes ; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous ; to guard against fires, and to compel the owners of lots or owners or occupants of buildings in such portions of the village as they shall deem best to provide one or more fire buckets, and to regulate the keeping of the same ;

To establish fire limits.

To regulate the construction of hazardous buildings.

To guard against fires.

Eighth, To prevent vice or immorality ; to preserve peace and good order ; to establish and maintain a competent police ; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gaming tables, or any other device or instrument for gaming, and to punish the keepers of the same when kept in violation of any by-law, rule, regulation, or ordinance of said village ; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, imposters, and drunkards to be apprehended and punished, and for that purpose may use the common jail of the county of Allegan ;

To prevent immorality.

To apprehend and punish vagrants.

Ninth, To license and regulate the keeping of any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food, or drink, or billiard tables or ball alleys ;

To license the keeping of taverns, hotels, etc.

Tenth, To license and regulate theatres, shows, travelling concerts, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village, and to require the payment of reasonable license fees ;

To license theatres, peddlers, etc.

Eleventh, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the street unfastened ;

To punish immoderate driving, etc.

Twelfth, To prevent and remove nuisance, and to punish persons for committing the same ;

To remove nuisances.

Thirteenth, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance or obstruction ;

To compel the clearing of sidewalks.

Fourteenth, To regulate the storage of powder, naphtha, gasoline, nitro-glycerine, combustible oils, lumber, and other combustible material, and the use of the same ;

To regulate the storage of powder, etc.

Fifteenth, To prevent the use of firearms, slung shots, metal knuckles, and other weapons ;

Firearms.

Sixteenth, To regulate markets for sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber ;

To regulate markets.

Seventeenth, To restrain horses, cattle, sheep, swine, mules, and other animals, geese and other fowls, from going at large in the

To restrain horses, cattle, etc.

streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

To require dogs to be muzzled.

Eighteenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

To cause the village to be lighted.

Nineteenth, To erect lamps, and cause the public grounds, and such of the streets of said village as they shall deem proper, to be lighted at such times as in their judgment the wants and interest of the village may require;

To establish building lines.

Twentieth, To establish lines upon which buildings may be erected, and beyond which such buildings shall not extend;

To remove buildings.

Twenty-first, To prevent the erection, and provide for the removal of all buildings deemed unsafe;

To regulate setting of shade trees.

Twenty-second, To regulate the placing and provide for the preservation of hitching posts and shade trees;

To provide burial places, etc.

Twenty-third, To provide burial places and to regulate the burial of the dead in said village, and to protect and preserve the monuments, tombstones, trees, and shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village, and to appoint a proper person to have the charge and oversight of the same.

SEC. 2. This act shall take immediate effect.

Approved March 25, 1875.

[No. 284.]

AN ACT to amend sections twelve, sixty-two, eighty-three, eighty-five, and two hundred and eight of "An act to revise the charter of the city of Ypsilanti," approved March seventeenth, eighteen hundred and sixty-five, and also to amend section ninety-seven of said act, as amended by act number two hundred and seventy-two of the laws of eighteen hundred and sixty-nine, approved March twelfth, eighteen hundred and sixty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections twelve, sixty-two, eighty-three, eighty-five, and two hundred and eight of "An act to revise the charter of the city of Ypsilanti," approved March seventeenth, eighteen hundred and sixty-five, and section ninety-seven of said act as amended by act number two hundred and seventy-two of the laws of eighteen hundred and sixty-nine, approved March twelfth, eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows:

Vacancy in office.

SEC. 12. Whenever a vacancy occurs in the office of alderman or justice of the peace by the refusal or neglect on the part of such alderman or justice of the peace to take the oath of office within the time required by this act, by the resignation, death, ceasing to

be an inhabitant of the ward or district for which such alderman or justice of the peace shall have been elected, by removal from office, or by the decision of a competent tribunal, declaring void the election of such alderman or justice of the peace, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the ward or district for which such officer was chosen, at some suitable place or places, not less than five nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the office of alderman within three months before the first Monday of April, it shall be optional with the common council to order a special election or not.

Filled by special election.

Proviso—when election optional with council.

SEC. 62. The courts of justice in said city shall have the power to imprison in the jail of the county of Washtenaw or in the Detroit house of correction, and it is hereby made the duty of the keeper of said jail to receive such persons as are brought to his custody by authority of any of said courts, or of the common council, or any officer of said city authorized so to commit such person, in the same manner as any court of record of this State, or other competent authority is authorized to commit to said jail or house of correction.

Where prisoners may be detained.

SEC. 83. When by the provisions of this act the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars (unless a greater penalty be herein otherwise provided) for a violation thereof, or that the offender be imprisoned in the county jail or in the Detroit house of correction for a term not exceeding ninety days; or the common council may, in such ordinance, direct that the offender shall be punished by fine and imprisonment (within the limits aforesaid), in the discretion of the justice who shall try the offender.

Penalty for violation of ordinances.

SEC. 85. A record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board, in which it shall be necessary to refer thereto, either

Records, etc., as evidence.

First, From a copy certified by the clerk of the city, with the seal of the city of Ypsilanti affixed; or,

Second, From a volume of ordinances printed by authority of the common council.

SEC. 97. Whenever, by the provisions of this act the common council shall be authorized to issue bonds for the payment of any sum or sums of money, or whenever the city shall have issued its bonds by virtue of any law of the State of Michigan, or whenever any judgments shall have been recovered against said city, the common council of said city shall have power to create a sinking fund which shall be raised by direct tax, which shall not exceed one per cent in any one year on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as the ordinary city taxes of said city

Sinking fund.

How appropri- ated.	are levied and collected. And it shall be the duty of the common council when the said sinking fund shall have been so collected, to appropriate the same, first, for the payment of any judgment against said city; second, for the payment of any accrued interest of the debt created as aforesaid; and third, for the purchase or extinguishment of such outstanding bonds as the common council shall direct. The common council of said city shall also have the power and authority, whenever a judgment or judgments shall have been recovered against said city, after the said city clerk shall have certified the amount to be raised by tax for city purposes within said city for such year, and before the first day of May in the year following, to issue the bonds of the said city, in such sums and for such amounts as they may deem necessary, not exceeding the amount of said judgment or judgments, for the purpose of satisfying such judgment or judgments. Said last mentioned bonds shall bear a rate of interest not exceeding eight per cent, and shall be payable in not more than five years from the date of said bonds.
Bonds issued to satisfy judg- ments against city.	The foregoing provisions of this section in regard to the issue of bonds for the payment of any judgment or judgments, shall apply as well to the judgments recovered against said city previous to the adoption of this amendment as to any judgment or judgments subsequently recovered.
Limit.	
Rate of interest.	
Judgments recovered before adoption of this amendment.	
Form of process.	SEC. 208. It shall not be necessary in any process, complaint, pleadings, or notice, to set out at length any by-law, resolution, or ordinance of said city, or any section thereof, but it shall be sufficient to refer to the same by the title and date of approval thereof, in all courts where the same may be used or come in question. And whenever any person shall be charged with having violated any ordinance of the common council, any justice of the peace of said city, to whom complaint shall be made in writing and on oath, shall issue a warrant directed "to the marshal of the city of Ypsilanti," or "to the sheriff or any constable of the county of Washtenaw," commanding him forthwith to bring the body of such person before him to be dealt with according to law, and such process may be executed by any of said officers anywhere within this State, and it shall be returned the same as other similar process issued by justices of the peace, and the marshal or other officers to whom said warrant shall be delivered for service is hereby required to execute the same in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.
When and by whom issued.	
By whom exe- cuted.	

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 285.]

AN ACT to organize the township of Republic, in Marquette County.

Township of
Republic organ-
ized.

SECTION 1. *The People of the State of Michigan enact, That sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty,*

twenty-nine, thirty, thirty-one, and thirty-two, in township forty-six north, of range twenty-nine west, townships forty-five, forty-six, and forty-seven north, of range thirty west, and townships forty-five and forty-six north, of ranges thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, and thirty-seven west, be and they are hereby organized into a separate township, to be known as the township of Republic.

SEC. 2. The first election in said township for the election of township officers shall be held at the house of Edward Smythe, in said township, on the first Monday of April next, and H. O. Young, Edward Smythe, and James P. Trowell are hereby appointed inspectors of said election. The polls of said election shall be opened at nine o'clock in the forenoon, and the electors present at the opening of the polls may fill any vacancies that may arise by reason of the absence of any or all of the inspectors of election herein appointed to conduct said election, and in all other respects said first election shall be conducted under the general laws of the State.

First election.

Time of opening polls.

SEC. 3. This act shall take immediate effect.

Approved March 26, 1875.

[No. 286.]

AN ACT to amend an act entitled "An act to incorporate the village of Plainwell, in the county of Allegan," approved March twenty-sixth, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section seventeen of an act entitled "An act to incorporate the village of Plainwell, in the county of Allegan," approved March twenty-sixth, eighteen hundred and sixty-nine, shall be amended so as to read as follows:

Section amended

SEC. 17. On the day mentioned in said notice, the treasurer shall commence the sale of said lands and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed, and charged thereon as aforesaid, and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands. And unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at the rate of twenty per centum per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a deed of conveyance of the lands so sold, which deed of conveyance shall shall invest in the person or persons to whom it shall be given, an estate in fee simple, except it shall appear that each and every legal tax or taxes shall have been paid, subject to all claims the State or

Sale of lands delinquent for taxes.

Certificate of purchase.

Deed of conveyance.

Deed may be
used as evidence.

Proof necessary
to defeat title.

county shall have thereon; and the said deed of conveyance shall be *prima facie* evidence of the regularity of all the proceedings, from the assessment and valuation of the land by the assessor of said village to the date of the deed inclusive, according to the provision of this act. And every such deed of conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form of conveyance for the sale of lands for delinquent taxes, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner and duly recorded may be given in evidence, and in all suits and controversies involving the title to land claimed and held by virtue of a deed executed by the treasurer of said village for non-payment of taxes. The person claiming adverse title to the land described in such deed shall be required to prove, in order to defeat the title conveyed by such deed, that some one or more of the several taxes assessed and for which such land was sold were null and void for the non-observance of some material requirement of the charter of said village in regard to taxation, or that the taxes legally assessed were paid to or tendered to the marshal of said village during the life of the warrant attached to the assessment roll for the year in which such taxes were assessed, or that such lands were not assessed for such taxes, or any one of the several taxes for such year, at the date of such assessment.

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 287.]

AN ACT to legalize the assessment roll of the first ward of the city of Muskegon, in the county of Muskegon, and the tax apportioned on the basis thereof, for the year one thousand and eight hundred and seventy-four.

Assessment roll
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the assessment roll of the first ward of the city of Muskegon, in the county of Muskegon, for the year one thousand eight hundred and seventy-four, and the tax apportioned on the basis of said assessment roll, as equalized by the board of supervisors of said county of Muskegon, is hereby declared valid and legal as though said assessment roll had been made out by the supervisor of said first ward at the time prescribed by section fifty-three, of act number two hundred and fifty-one, of the laws of one thousand eight hundred and seventy-one, entitled "An act to revise and amend an act entitled 'An act to incorporate the city of Muskegon.'"

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 288.]

AN ACT to amend sections one, eighteen, and twenty of act number four hundred and thirty-four, of session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Farmington," approved March twenty-fifth, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact*, That sections one, eighteen, and twenty of an act entitled "An act to incorporate the village of Farmington," approved March twenty-five, eighteen hundred and sixty-seven, be and the same are hereby amended so as to read as follows: Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situate in the township of Farmington, in the county of Oakland, and in the State of Michigan, which is known and described as follows to wit: The west half of section twenty-seven, the east half of section twenty-eight, and all that portion of the west half of the southeast quarter of section twenty-one which is now enclosed within the cemetery fence and appropriated for burial purposes, in said township of Farmington, and being in township number one north, of range number nine east, be and the same is hereby made and constituted a town corporate, by the name, style, and title of the village of Farmington. Boundaries.

SEC. 18. The common council of said village shall have full power to make all necessary rules and regulations relative to the grading of any of the streets of said village, and levying a tax for the same; to order the building, repairing, or rebuilding, when necessary, of any sidewalk, and to determine the width and grade of the same, and the quality and kind of materials to be used, allowing each land owner or occupant of land in said village to construct, repair, or rebuild his own walk, if he shall do so in conformity with the style ordered by said common council, within sixty days from the date of said order; otherwise the common council may proceed to construct, repair, or rebuild the same, levying the cost thereof upon the land or lot in front of which said walk or repairs shall be made; and the tax so levied shall be collected by distress and sale, or returned as unpaid, and the premises thus returned sold as is hereinafter provided for other taxes: *Provided*, That so much money belonging to the highway fund of said village as the common council shall direct may be expended in repairing the walks in said village. Power of council relative to grading streets, repairing and rebuilding sidewalks, etc.

Expense, how collected.

Proviso.

SEC. 20. The common council shall have power to prevent the vending or giving away of spirituous or intoxicating liquors in any place within said village; to regulate the measuring of fire-wood and the weighing of hay; to appoint a sealer of weights and measures; to prevent and punish immoderate driving in any of the streets of said village; to prevent the incumbering of the streets, sidewalks, alleys, or public grounds; to provide for ornamenting the public grounds; to provide for the setting out of shade and ornamental trees along the lines of the streets and sidewalks of said village; to compel the owners or occupants of lots to clean the Relative to liquors.

Sealer of weights and measures.

Public grounds, etc.

Clearing of
sidewalks.

sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, or any other incumbrance; to construct cross-walks, assessing the cost of the same upon the property of the village, and to regulate all graveyards and places of burial for said village.

Grave yards.

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 289.]

AN ACT to authorize the township board of the township of Paw Paw in Van Buren county to borrow money for the purpose of paying any judgment that has been or may be hereafter rendered against said township, and to issue bonds for the payment of the same.

Township board
authorized to
raise money by
bond to pay
judgments.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Paw Paw is hereby authorized and empowered to borrow a sum of money not exceeding forty thousand dollars, on the faith and credit of said township, and issue its bonds therefor payable at a time or times not exceeding twelve years from the date thereof, and at a rate of interest not exceeding ten per cent per annum, which money shall be expended for the payment of any judgments that have been or that shall hereafter be rendered against said township in the United States court for the western district of Michigan.

To provide by
tax for payment
of bonds and
interest.

SEC. 2. It shall be the duty of the township board of said township to provide by tax for the payment of the interest accruing on said bonds as it shall become due, which tax shall be in addition to and shall be levied and collected in the same manner as the taxes which the township board now is or may hereafter be authorized to levy and collect; and it shall be the duty of the township board of said township to provide for the payment of said bonds at the maturity thereof by tax upon the taxable property of said township.

SEC. 3. This act shall take immediate effect.

Approved March 26, 1875.

[No. 290.]

AN ACT to detach certain territory from the township of Higgins, in the unorganized county of Roscommon, and attach the same to the township of Roscommon, in said county.

Territory
detached from
Higgins and
attached to
Roscommon.

SECTION 1. *The People of the State of Michigan enact*, That township twenty-three north, of range four west, be and the same is hereby detached from the township of Higgins and attached to the township of Roscommon, in the unorganized county of Roscommon.

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 291.]

AN ACT to amend sections four, thirty-three, thirty-six, forty-five, forty-six, forty-eight, forty-nine, fifty, fifty-two, and fifty-three of an act numbered four hundred and twenty-nine of the session laws of eighteen hundred and sixty-nine, approved April third, eighteen hundred and sixty-nine, entitled "An act to amend sections one, three, four, five, seven, nine, eleven, fourteen, thirty-three, thirty-six, forty-five, forty-six, forty-eight, forty-nine, fifty, fifty-two, fifty-three, and seventy-three of an act entitled 'An act to set off and incorporate a portion of the townships of Grand Haven and Spring Lake, in the county of Ottawa, into a city by the name of the city of Grand Haven,'" approved March sixteenth, eighteen hundred and sixty-seven, and to add one new section thereto to stand as section ninety-one.

SECTION 1. *The People of the State of Michigan enact*, That sections four, thirty-three, thirty-six, forty-five, forty-six, forty-eight, forty-nine, fifty, fifty-two, and fifty-three of an act entitled "An act to amend sections one, three, four, five, seven, nine, eleven, fourteen, thirty-three, thirty-six, forty-five, forty-six, forty-eight, forty-nine, fifty, fifty-two, fifty-three, and seventy-three, of an act entitled 'An act to set off and incorporate a portion of the townships of Grand Haven and Spring Lake, in the county of Ottawa, into a city by the name of the city of Grand Haven,'" approved March sixteenth, eighteen hundred and sixty-seven, be and the same are hereby amended so that the said sections shall read as follows:

Sections amended.

SEC. 4. The officers of said city shall be one mayor, one recorder, who shall be *ex officio* school inspector, and city clerk, one treasurer who shall be *ex officio* collector, one marshal, two school inspectors, one city attorney, four justices of the peace, one street commissioner, and also two aldermen, and one constable for each ward, and also one supervisor for the first and second wards and one supervisor for the third and fourth wards of said city. Said officers shall be elected and appointed as follows: The mayor, supervisors, marshal, and treasurer shall be elected annually, and shall hold their offices for one year, or until their successors shall be elected and qualified. At the first annual election after the passage of this act, and at the annual election every two years thereafter, there shall be elected one recorder, who shall hold his office for the term of two years, and until his successor shall be elected and qualified; there shall also be elected at each annual election, one school inspector for the term of two years, or until his successor shall be elected and qualified. There shall be elected at each annual election in said city, one alderman from each of the several wards in said city, who shall hold his office for the term of two years, or until his successor shall be elected and qualified. There shall also be elected at each annual election, one supervisor for the first and second wards, and one supervisor for the third and fourth wards in said city, who shall hold their offices for the term of one year, or until their successors shall be elected and qualified.

City and ward officers, and terms of office.

There shall also be elected at each annual election, one constable for each ward in said city, who shall hold his office for the term of one year.

Work upon
streets, etc.

Power to open
or close streets,
etc.

Private property
taken.

Proceedings.

Application for
jury.

Time of apply-
ing to court.

Notice of im-
provement.

SEC. 33. The common council shall have power to regulate the time and manner of working upon the streets, lanes, and alleys in said city, to provide for the grading, planking, or paving and railing the sidewalks, and to determine the width thereof; to prevent the obstruction or incumbering of the streets, lanes, alleys sidewalks, or public grounds in said city. The said common council shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in, or grade, vacate, or abolish, any highway, streets, avenues, lanes, alleys, public grounds, or spaces in said city, whenever they shall deem it a necessary improvement, and private property may be taken therefor, but the public necessity for such improvement, and the necessity for using such property, the just compensation to be made for the same, and the damages to any person arising from the establishing, extending, widening, straightening, altering, closing, vacating, or abolishing any highway, street, avenue, lane, or alleys in said city, shall be ascertained by a jury of twelve freeholders residing in said city. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, which shall be drawn by the attorney of the corporation, and in such resolution shall describe the contemplated improvement, and if they intend to take private property therefor they shall declare such intention and describe such property in said resolution with particularity sufficient for an ordinary conveyance thereof; and further declare and describe the portion of the said city of Grand Haven which they deem to be benefited by such improvement; and further declare that they will, on some day to be named in said resolution, apply to the recorder's court of said city for the drawing of a jury to ascertain the public necessity for such improvement and the necessity for using the property intended to be taken, if it be intended to take any for such improvement, to ascertain the just damages and compensation which any person may be entitled to if any such improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises, and subdivisions thereof within the district so as aforesaid declared by the common council benefited by such improvement, and the time to be named for applying to said court shall be on a day subsequent to the required publication of said resolution, and the like proceedings shall be had whenever it shall be determined in like manner by said common council to alter, close, vacate, or abolish any highway, street, avenue, lane, or alley in said city. The common council shall give notice of the intended improvement, and of the intended application to said court, by causing a copy of said resolution, certified by the city clerk, to be published in some newspaper in said city, and the marshal of said city shall also give notice thereof, to the owner or person interested, or his or their agent or representative, where the same can be found in said city, by personal service of a copy thereof, which service shall be made at least ten days

before the day named in said resolution. Upon the day designated Jury. in said resolution, or on some other day to be appointed by the court, and on filing a copy of said resolution, and an affidavit showing the required publication thereof, and the return of the marshal showing the service thereof, the said recorder shall issue a *venire facias*, commanding the marshal of said city to summon and return a jury of twelve disinterested freeholders, to be taken within the limits of said city, to appear before said recorder's court at any place to be therein stated. Said jury, after meeting, shall first be sworn to discharge the duties imposed on them by this act, faithfully, impartially, and according to the best of their abilities; said court shall then instruct said jury as to their duties, and deliver to them a certified copy of the resolution of the common council. Said jury, having viewed the premises, shall then determine the public necessity of the proposed improvement, and ascertain and determine the necessity for using the property intended to be taken, if it be intended to take any for such improvement, the just damage and compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by, the intended improvement, and award to the owner or owners thereof such damages and compensation as they shall deem just. Said jury shall also apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises, street, or subdivisions thereof, within the district so as aforesaid declared by the common council to be benefited if the intended improvement be made, apportioning and assessing to and upon each such portion of said total damages and compensation as they shall deem just: *Provided however*, That if the total damages and compensation to be awarded to any person or persons as above shall exceed the total benefit to be apportioned to and assessed upon any property for the benefit such property will receive, then such excess shall be apportioned and assessed to the city of Grand Haven, which said excess, so assessed and apportioned to said city, shall be a liability against the same, and shall be paid out of the general street fund of the city. Said jury shall thereupon make their report according to the foregoing requirements, and upon the same being made, the said recorder shall enter judgment therefor, confirming the same, and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane, alley, avenue, highway, or public place shall be laid out, made, altered, opened, abolished or vacated, to the claimant or claimants thereof. It shall thereupon be lawful for said common council to cause said grounds to be occupied for the purposes aforesaid: *Provided*, That any person interested as aforesaid may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his or her or their intention so to do, to the said recorder, in writing, within ten days, or in case of the absence of said party from said city at the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said recorder, upon filing a transcript of the proceedings afore-

To take oath.

Duty of.

Damages.

Proviso—excess of damages assessed to city.

Report of jury.

Judgment.

Proviso—appeal.

- said, duly certified by said recorder, within forty days after the verdict and judgment aforesaid, in the circuit court or any other court of record having appellate jurisdiction, the same proceedings shall be had as prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the sum assessed before the recorder at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.
- Proviso—costs.** SEC. 36. Compensation for services may be paid out of the city treasury as follows: the recorder and attorney shall be entitled to receive respectively such sum as the common council shall allow. The marshal shall be entitled to receive the same fees for serving processes in behalf of the corporation as constables are by law allowed for similar services; and he shall receive such further compensation as the common council shall allow. The treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided. The street commissioner shall be entitled to receive one dollar and fifty cents per-day for services, and at the same rates for parts of a day actually employed. The director of the poor, school inspectors, and all other officers of said city, not otherwise provided for, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices.
- Salaries of officers.** SEC. 45. The supervisors in said city, provided for in section four, shall have and exercise within their respective wards all the powers, authority, and functions of supervisors of towns as now provided, or may hereafter be provided by law, except as herein otherwise provided, and they, with the mayor, shall be members of the board of supervisors of the county of Ottawa, and as such shall be entitled to the same compensation; and shall have the same powers, and be paid in the same manner as supervisors of townships, and they shall constitute a board for the correction and revision of the assessment rolls thereof, of which board the recorder shall be clerk. In case of a vacancy in the office of recorder, or his inability to attend, said board may choose some competent person to act as clerk *pro tem*. It shall be the duty of said board to meet as soon as may be after the completion of said rolls, and before the first day of June in each year, at the room usually occupied by the common council, and shall remain in session at the place aforesaid six hours each day for at least three successive days, of which meeting the recorder shall give five days' previous notice by publishing the said notice in a public newspaper published in said city and by posting said notice in three of the most public places in each of said wards, which notice shall state the purpose of said meeting, giving the time and place thereof. Said board are hereby authorized to revise, equalize, alter, and correct said assessment rolls in such manner as the majority thereof may determine; and for that purpose said board may add to or diminish the aggregate valuation of any ward or wards of said city as appears by the assessment roll thereof; may add to said roll any description of property, real
- Powers of supervisors.**
- Mayor and supervisors members of board of supervisors.**
- Board for revision of assessment roll.**
- Clerk pro tem.**
- Revision of roll.**

estate or personal, taxable in such ward, on the second Monday of May of said year, that does not appear thereon; may strike from such roll any property not legally thereon, and may make such alterations and corrections as may be necessary and proper in order to perfect a just and true appraisement and valuation of the real and personal property of said city; which equalization, alteration, and correction may be made at the request of any person considering himself aggrieved, upon sufficient cause being shown, or at the suggestion of the members of said board: *Provided*, The aggregate valuation of any ward shall not be increased or diminished, excepting so far as the change in single or individual assessments may affect the same, without the consent of two-thirds of the supervisors of said city. Said board may make or cause to be made a new assessment roll or rolls for any ward or wards, whenever said board may deem the same necessary, embracing only such alterations and corrections as may have been adopted by said board at said meeting. It shall be the duty of the recorder, upon the completion of said new rolls, and of the making the alterations and corrections as aforesaid, to attach his certificate thereto, showing that said roll or rolls have been duly revised and corrected; and said rolls or said roll has been duly revised and corrected; and said rolls or said new roll, in case of the making of the same, shall be and remain the assessment rolls of said wards respectively for all purposes mentioned in this act, and shall perform such other duties as by this act shall be required of them.

Proviso.

Recorder to attach certificate to corrected roll.

SEC. 46. The annual assessment of property in said city shall be made by the supervisors thereof, each supervisor making the assessment of the property in their respective wards.

Supervisors to assess property.

SEC. 48. The supervisors of said city shall receive as compensation for their services, while actually employed as such supervisor, the same sum per day as supervisors or assessors performing like duties in townships are or may hereafter be allowed by law; which compensation shall be audited and paid by the common council of said city, by a vote and resolution of said council.

Compensation.

SEC. 49. The accounts and demands of the supervisors, and of all other persons, against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the common council of said city.

Accounts, etc., to be verified.

SEC. 50. Each supervisor in said city shall complete the tax roll of his respective ward and deliver the same, with his warrant there-to attached, to the city treasurer, within the time prescribed by law for the completion and delivery of the township tax rolls, to the respective township treasurers of this State: *Provided*, Security has been given by such city treasurer, as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who shall give the requisite security to collect the taxes specified on such roll, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such

Tax rolls delivered to treasurer.

Proviso—security by treasurer.

taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and be subject to the same liabilities, in this act conferred upon the city treasurer of said city for the purpose of collecting and returning and paying over such taxes.

Time and manner of making assessment.

SEC. 52. The supervisors of the several wards in said city shall in each and every year make and complete the assessment of all the real and personal property within their respective wards in said city, in the same manner and within the same time required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of the supervisors of the several townships of this State performing like services, and in making their assessment rolls for their several and respective wards, they shall,—unless when otherwise in this act provided,—conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property, the laying of taxes, and the issuing of warrants for the collection and return thereof. And they shall also in each year, within fifteen days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the recorder of said city a true and certified copy of the assessment roll of each ward for such year, and the recorder shall receive and file the same in his office.

Certified copy of roll filed with recorder.

Amount of taxes.

SEC. 53. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within each ward for such year, which tax shall not exceed five per cent on the valuation, and also to notify the supervisors of the amount thereof within five days after the board of supervisors of the said county of Ottawa shall have completed the equalization of the valuation of the property in each ward in said city, and said townships of said county for such year. And it is hereby made the duty of the supervisors of said city to levy the sum so appropriated to each ward in said city, and such other taxes as may by law be required upon the taxable property of each ward in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Levy of.

New section.

SEC. 2. There shall be added to said act number three hundred and fifty-two a new section, to stand as section ninety-one, to read as follows:

Ordinances, etc., to be presented to mayor.

SEC. 91. Every act, ordinance, or resolution passed by the common council of said city, before it shall take effect, and within five days after its passage, shall be presented, duly certified by the city recorder, to the mayor for his approval. If he approve thereof he shall sign it, if not he shall return it with his objections in writing to the city recorder, and the recorder shall submit said objections to the common council at their next regular meeting, who shall enter said objections upon their record and proceed to reconsider the matter, and if after such reconsideration a majority of all the

members elected shall agree to pass the same, it shall take effect as an act or law of the said city. If the mayor shall not return any such act, ordinance, or resolution so presented to him within five days after he shall have received the same, it shall take effect in the same manner as if he had signed it.

SEC. 3. This act shall take immediate effect.

Approved March 26, 1875.

[No. 292.]

AN ACT to detach certain townships from the county of Schoolcraft and attach the same to the township of Chocolay, in the county of Marquette.

SECTION 1. *The People of the State of Michigan enact, That* townships forty-four, forty-five, forty-six, and forty-seven north, of range twenty-three west, be and they are hereby detached from the county of Schoolcraft and are hereby attached to the township of Chocolay, in the county of Marquette, and shall form a part of said township of Chocolay. Territory detached from Schoolcraft county and attached to Chocolay in Marquette county.

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 293.]

AN ACT to amend sections two, five, eight, nine, thirteen, fifteen, and twenty-one of act number two hundred and six of the session laws of eighteen hundred and seventy-one, being an act entitled "An act to incorporate the village of Vassar."

SECTION 1. *The People of the State of Michigan enact, That* sections two, five, eight, nine, thirteen, fifteen, and twenty-one, of an act to incorporate the village of Vassar, being act two hundred and six of the session laws of eighteen hundred and seventy-one, be and are hereby amended to read as follows: Sections amended.

SEC. 2. The male inhabitants of said village, having the qualification of electors under the constitution of this State, shall meet in said village, on the first Monday of March next, at the council hall in said village; and annually thereafter at such place as shall be provided in the by-laws of said village, and there, by ballot, shall elect by plurality of votes, one person to be president of said village, and two persons in like manner shall be elected trustees for two years, and two for three years. And there shall be elected a marshal, treasurer, clerk, and assessor; and annually thereafter, a president, marshal, treasurer, clerk, and assessor shall be elected as aforesaid, who shall hold their respective offices for one year, or until their successors are elected and qualified. And two trustees shall be elected, who shall hold their office for three years, or until their successors are elected and qualified; but if an election of president and trustees shall not be made on the day provided for in this act, the corporation shall not for that reason be dissolved, and Time and place of holding annual elections. Officers and terms of office.

Village board.

President.

Bonds of officers

Board of registration.

Judges and clerk of election.

President and trustees a board of health.

General powers of village board.

it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of regular elections. The president and two trustees thus elected, together with four trustees whose term of office is unexpired, shall constitute a village board; and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of president. The treasurer, marshal, and assessor shall, before entering upon the duties of their offices, give such bond with such sureties as the village board may prescribe.

SEC. 5. The president, clerk, and the two trustees of said village having the shortest time to serve shall constitute a board of registration, with the powers and duties of boards of registration in townships and cities, and they shall meet at the clerk's office on the Saturday next preceding any general or special election, and at all subsequent annual elections any two of the trustees may be judges of the election; and the clerk of the village, or in case of his absence any person chosen by the trustees, shall be clerk of the election; and the judges and the clerk shall take an oath, to be administered by some person qualified to administer oaths, to faithfully and impartially discharge their duties as judges or clerk of such election; and said board shall have such power to preserve the purity of the election as is now, or may hereafter be given to the township boards of election.

SEC. 8. The president and trustees shall have and exercise all the powers and perform all the duties of a board of health, and may appoint a physician to the board, who shall be health officer of said village, and who shall hold his office during the pleasure of said board, and they shall have power to ordain and establish by-laws, rules and regulations, and to alter or repeal the same at pleasure, for the following purposes, viz: For the appointment of such other officers whose election is not herein provided for, for said village, as they may deem necessary, and to fix the compensation of their services, and also, such as they may deem necessary and right for the maintenance and preservation of the public places, property, and buildings of said village, and to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior, and profane or blasphemous language in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the

exclusive power to license such persons as tavern keepers and common victualers as they think best (but no license shall remain in force beyond the life of the board granting it, or authorize the sale of spirituous liquors); to prevent the selling of or giving away spirituous or fermented liquors to drunkards, minors, or apprentices; to abate, prevent, or remove nuisances; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks, and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes, and every other incumbrance or obstruction thereto; to regulate the storage of powder, kerosene oil, turpentine, lumber, and other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, and of fire-works; to construct and regulate markets for the vending of poultry, meat, vegetables, fish, and fruits; to regulate the sale of hay, wood, lime, lumber, and coal; to regulate the gauging of vessels containing liquor; the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese or other poultry; to prevent the running at large of dogs; to require them to be muzzled, and to authorize their destruction if found running at large, in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year, the same being first recommended by the board of trustees, and confirmed by a majority of the electors of said village; to establish wells and cisterns, and to prevent the waste of water; to prevent bathing in public streams; to purchase grounds for, and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burying-ground or cemetery to be discontinued whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, settle, and establish the boundaries of all streets and alleys, and to establish grades therefor; also, to order and cause to be drained, or filled up, all pools and swamps in said village, and to assess the cost and expenses on the premises benefited: *Provided*, That two-thirds of such property be represented in petition for such improvements; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings which may be deemed unsafe; to purchase and keep in order fire engines and other apparatus, to construct buildings to store them, and to cause each building occupied as a house, store, or shop to be provided with fire buckets and ladders; to establish fire limits, with-

General powers
of village board.

General powers
of village board.

in which no wooden building shall be built, enlarged or placed; to regulate chimneys, partition walls, flues, and putting up of stoves or stove-pipes; to regulate the construction of smith-shops, planing-mills, and other buildings considered unreasonably hazardous; to guard against fires, to regulate the duties, powers, and fees of village officers, except those of the president and trustees, who shall be allowed no pay; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing of the same; to grade the walks, streets, alleys, and to prescribe the manner of planking or repairing them; to construct and keep in repair the public highways, sewers, and culverts (provided that nothing in this act shall be construed to exempt the township of Vassar from liability to keep in repair any bridge over any stream, or the grading, planking, or other improvements of streets, in passing over or on side hills in said village); to lay out new streets and alleys, and to extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe levying and collection of highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theaters, shows, and concerts; to regulate and tax at their discretion auctioneers and auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers; to regulate the covering of mill-races, at the expense of the owners thereof; to rail and curb, where necessary, all walks at the expense of the owners of the adjoining lots; to assess and levy taxes, not exceeding one per cent upon the assessed value, in addition to all special taxes provided for in this act, on all personal and real estate within the limits of said village, except property belonging to the town, county, State, and places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of widening or extending streets, lanes, alleys, drains, or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act. For the violation of any by-laws, rules, and regulations, such reasonable penalties may be imposed as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the town of Vassar, and any interest the inhabitants of the village of Vassar may have in the fine or penalty to be recovered shall not disqualify any inhabitant of said village to try said cause and serve as a juror or witness therein; and the circuit court of the county of Tuscola shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws, where the sum claimed shall exceed the sum of one hundred dollars.

Persons liable to
pay poll-tax.

SEC. 9. Every male inhabitant above the age of twenty-one years, and under the age of fifty, residing in said village on the first day of April of every year, or upon such other day as the president and board of trustees shall name, shall be liable to pay a poll tax of one

dollar, to be collected by the marshal, except paupers, idiots, lunatics, and members of a regularly organized fire department, or others now exempt by the laws of this State; and any person so liable to pay a poll-tax, who shall neglect or refuse to pay the same within ten days from the demand made by the marshal, either by working one day upon the highway under the direction of the marshal or by commuting one dollar to the marshal; and the president and trustees shall prepare a list and cause it to be delivered to the marshal in the month of April of each year, of all persons liable to pay the said poll-tax; and the president and trustees shall have the exclusive control of the highway money levied and collected in the village, and may impose such fines and penalties for the collection of the same as the said village board shall deem proper, not contrary to existing laws.

List of persons
liable to pay
poll-tax.

Highway fund.

SEC. 13. The assessor of said village shall, by the tenth day of June in each year, make an assessment roll containing a description of all the real estate and the valuation of all the personal property, copying it as nearly as possible from the last assessment roll of the township of Vassar, with the name of the owner or occupant thereof, or agent, if known, and shall set down in such roll the cash valuation of such property, as assessed by the supervisor, putting the personal property in a separate line, and it shall be the duty of the assessor, president, and trustees, on the third Monday in June of each year, to be present in some convenient place in said village for the purpose of reviewing said assessment roll, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered if it shall be made to appear that any person has been wrongfully assessed; the assessor shall at once proceed to estimate, apportion, and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village with a warrant annexed thereto under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein set opposite their names, as a tax or assessment, and authorize him, in case any one shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village by a certain day therein named, not less than forty days from date of said warrant. Said warrant may be renewed from time to time as the president and trustees may deem best, and when any assessment shall be made for any special improvement, it shall be legal even if it is not made at the time of making the general list, notice being given of the review of said assessment, as herein provided.

Assessment
roll.

Review of same.

Completion of
roll and delivery
to marshal.

Renewal of war-
rant.

Special assess-
ment.

SEC. 15. The tax upon real estate, with all the assessments for the purpose named in the eighth section of this act, shall be put down in the assessment roll by itself in a column, and whenever any

Sale of real es-
tate for taxes.

such tax or assessment, and all taxes upon real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for one year from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause to be sold so much of the land charged with such tax and assessment and interest, together with all costs thereon, first giving at least seven weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village for six successive weeks; an affidavit of such publication, recorded in the manner prescribed in the twelfth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of sale. SEC. 21. The marshal shall have the general supervision of the village and see that the laws are enforced, and have power to compel the citizens to aid in extinguishing fires, to appoint deputies with power similar to his own, and by virtue of his office shall be chief of police, with all the powers conferred upon sheriffs for the preservation of quiet and good order, having power to enter into any disorderly or gaming house or dwelling, or any other building where he may have reason to believe any felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed, to arrest disorderly persons or felons, and those engaged in unlawful assemblages upon view, and with or without process, any person or persons found in the act of committing any offense against the laws of the State or the ordinances of the village, and take them forthwith before any court or judicial officer having competent jurisdiction, to be dealt with according to law, and may arrest and imprison persons found drunk on the streets until they become sober, and then take them before any court having competent jurisdiction, to be dealt with according to law, and any justice of the peace of the township of Vassar may hear, try, and determine all complaints for violation of the ordinances and by-laws of said village board: *Provided however*, The right of trial by jury when demanded shall in all cases be preserved. The marshal or any deputy marshal may serve all warrants or other process issued in the name of the people of the State of Michigan by any justice of the peace of the township of Vassar, for the violation of any ordinance or by-law of said village board; such process may be served anywhere within the county, for the violation of any of the ordinances or by-laws of said village board. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services: *Provided*, That nothing in this act shall be construed into authorizing his serving processes issued by justices of the peace in civil cases.

Powers and duties of marshal. **May arrest without process.** **Jurisdiction of justices of township.** **Proviso.** **Marshal may serve process issued by justices of township.** **Fees of marshal.** **Proviso.**

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 294.]

AN ACT to amend section thirty-two of act number two hundred and seventeen of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Vermontville," approved March eleventh, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-two of act number two hundred and seventeen of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Vermontville," approved March eleventh, eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended

SEC. 32. It shall be the duty of the supervisor of said township, who is constituted *ex officio* assessor of said village, to take the assessment of said village at the time he takes the assessment of said township, in all respects the same, and annex thereto the usual certificate, and file the same in the office of the recorder of said village, on or before the first Monday in June, in each year, whereupon it shall be the duty of said common council to give notice that at a certain time and place, not less than five, nor more than ten days, said common council will meet to hear any person considering himself aggrieved by the assessment made by said supervisor; and said common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuation, and when so corrected, said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by said common council, which said certificate shall be *prima facie* evidence of the regularity of the assessment of said village. Supervisor of township ex officio assessor of village.

Notice of review of assessment.

Council may reduce or increase valuation.

SEC. 2. This act shall take immediate effect.

Approved March 26, 1875.

[No. 295.]

AN ACT to incorporate the village of Mendon, St. Joseph county, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the county of St. Joseph and State of Michigan, and designated as follows, viz: beginning at the northeast corner of the northwest quarter of section twenty-six, township five south, range ten west, and running thence west one mile and sixty rods, thence south to the north bank of the St. Joseph River at ordinary water mark, thence easterly along the north bank of said river at ordinary water mark to the east line of the west half of said section twenty-six, thence north to the place of beginning, be and the same is hereby constituted a village corporate under the name of Mendon. Boundaries.

SEC. 2. The electors of said village shall meet on the second Monday in April, in the year of our Lord one thousand eight hun- First election.

Officers and
terms of office.

dred and seventy-five, at the Wakeman House in said village, and there by ballot shall elect by a plurality of votes one person to be president of said village; three persons shall in like manner be elected trustees, who shall hold their offices for the term of two years; three persons shall also be elected trustees who shall hold their offices for [the term of] one year; one person shall be elected recorder, and one person shall be elected treasurer; and annually thereafter a president, recorder, and treasurer shall be elected as aforesaid, who shall hold their respective offices for one year, and until their successors shall be elected and qualified; and three trustees shall be so elected, who shall hold their office two years, and until their successors shall be elected and qualified; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved; and it shall be lawful to hold such election on the second Monday in May following; and at said first election the electors present may choose by *viva voce* vote inspectors of said first election.

Failure to hold
election not to
dissolve corpo-
ration.

Inspectors of
first election.

Corporate name.

SEC. 3. The president and trustees of said village shall be a body corporate and politic under the name of "The common council of the village of Mendon," and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law or equity, and in all other places whatever, and may have a common seal, and may alter and change the same; and by the same name are hereby made capable of purchasing, holding, and disposing of any real and personal estate for said village.

Appointment of
officers.

SEC. 4. The common council may appoint all such other officers, whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe the duties of all officers of said village, and establish their compensation; and a majority of the common council shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Eligibility to
office.

SEC. 5. No person shall be elected or appointed to any office created by this act, unless at the time of such election or appointment he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment.

Oath of office.

SEC. 6. All officers elected under the provisions of this act, and all officers appointed by the common council, shall, within ten days after notice or appointment, take and subscribe, before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, and file the same with the village recorder; and the village treasurer, before he enters upon the duties of his office, and within the time limited for filing his official oath, shall file with the village recorder such security for the due performance of the duties of his office as may be required by the common council.

Treasurer to
give security.

SEC. 7. The president shall be the chief executive officer of said village; he shall preside at all meetings of the common council, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of the president.

SEC. 8. The common council shall have power to fill any vacancy that may occur in any of the offices provided for in this act, by appointment; and in case of the absence of the recorder from any meeting of the common council, or his inability to serve, the president shall have power to appoint from the trustees a recorder *pro tem.*, who shall have power to perform all the duties of the recorder.

SEC. 9. It shall be the duty of the recorder to give at least five days' notice of the time and place of holding a village election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some newspaper printed in said village; and at all village elections the polls shall be opened at nine o'clock in the forenoon, and close at five o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement proclaimed to the electors present, and the recorder shall make a true record thereof, and within five days give notice to the persons elected of their election.

SEC. 10. Any two of the trustees may be judges of the election, and the recorder of the village, or his substitute, shall be clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges and clerk of election; and said board shall have power to preserve the purity of the election, as is now, or may be hereafter given to township boards of election.

SEC. 11. The common council shall have power to ordain and establish by-laws, rules, and regulations, and the same to alter and repeal at pleasure for the following purposes, viz.: relative to the manner of assessing, levying, and collecting all highway and other taxes in said village; for the preservation and maintenance of the corporate property and public places and buildings of said village; to regulate the police thereof, and to provide a lock-up for the imprisonment of offenders; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to construct and keep in repair the public highways, bridges, culverts, and sewers, to lay out new streets and alleys, to vacate streets and alleys; to provide for the taking of a census whenever they shall see fit; to punish for lewd and lascivious behavior in the streets, or other public places; to suppress and restrain disorderly houses, and gaming houses, houses of ill-fame, and to punish the keepers and inmates thereof, and to suppress all other devices and instruments of gaming; and shall have the exclusive power and authority to license and regulate auctioneers, peddlers, and the sale of goods,

General powers
of common coun-
cil to pass by-
laws, rules, etc.

merchandise, and other property, by hand or otherwise, in the public streets; to prohibit, restrain, license, and regulate all sports, theaters, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors, or others; to prevent and punish immoderate driving or riding in the streets; to abate, prevent, and remove nuisances, and to declare what shall be considered nuisances; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, alleys, and public grounds of said village; to compel the owners or occupants of lots to clear the sidewalks in front of, and adjacent thereto, of snow, ice, dirt, boxes, and every incumbrance and obstruction; to regulate the storage of gunpowder, lumber, or other combustible material; to prevent the use of firearms and other weapons, and fireworks; to regulate stands for the sale of hay, wood, and other products; to maintain and regulate pounds, and provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese, and all other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violating any ordinance; to regulate and require the setting of shade trees in the streets of said village; to provide for the protection thereof; to authorize, prohibit, and regulate the setting of hitching posts in the streets of said village, and to cause the same to be removed; to prevent disturbing noises, and obscene and profane language in the streets, or other public places; to compel the owners or occupants of buildings to procure and keep in readiness such number of fire buckets and ladders as the common council may deem necessary, and to secure in such manner as the common council may deem necessary; and to secure in such manner as the common council may deem safe, all stove pipes, stove thimbles, chimneys, or other fire liabilities; and to establish fees, fines, and penalties, and the manner of collecting and disposing of the same in the execution, or for the violation of such by-laws and ordinances; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace of Mendon township; and the circuit court for St. Joseph county shall also have appellate jurisdiction over all fines and penalties imposed by said by-laws and ordinances; and no by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village.

Relative to
grading of
streets.

Building of
sidewalks.

SEC. 12. The common council of said village shall have full power to make all necessary rules and regulations relative to the grading of any of the streets of said village, and levying tax for the same; to order the building of any sidewalks, and to determine the width and grade of the same, and the quality and style of materials used, allowing every land owner or occupant of said village to construct his own front of said walk, if he shall do so in conformity with the style, in all respects, ordered by said common

council, within sixty days from the date of said order; otherwise, the common council shall proceed to construct the same, levying the cost thereof upon the land adjoining the same, and the tax so levied shall be collected by distress and sale, or returned as unpaid, and the premises thus returned sold, as is hereinafter provided for other taxes.

SEC. 13. The common council shall have full power and authority to levy and collect a capitation or poll tax and a highway tax; also all taxes for all and every improvement the common council are by this act authorized to make, in the manner provided, or are by the general laws of this State for the incorporation of villages authorized to make; and also all taxes on all real and personal property (not by general law exempt), within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year one per centum upon the valuation of said real and personal property, exclusive of the sidewalk and poll tax; and every assessment of taxes lawfully laid and imposed by the said common council, on any lands, tenements, or premises whatever in said village, shall be and remain a lien on such land, tenements, and premises from the time of making such assessment, or imposing such tax, to the same extent and in like manner as taxes required by law to be levied on property in the several townships of this State are liens on such property, and the owners, or occupants, or parties in interest respectively in said real estate shall be liable upon demand to pay every such assessment or tax to be made as aforesaid.

Levy and collection of taxes.

Proviso—Limit of taxation.

Taxes a lien.

SEC. 14. It shall be the duty of the recorder of said village, on or before the first Monday in October of each year, to render to the president a complete statement in writing of all the local or general taxes authorized by the common council for the current year, together with all the information necessary to a correct levy of the same.

Recorder to make statement of taxes authorized.

SEC. 15. It shall be the duty of the president to spread upon the assessment roll all the local and general taxes authorized by the common council of said village for the current year, in accordance with the by-laws, regulations, and ordinances of said village; and he shall give ten days' notice, by publishing thereof, of the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any party deeming himself aggrieved may be heard; and the assessment roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed; and he shall then sign the proper warrant for the collection of the taxes therein levied, and deliver the same, or a copy thereof, to the marshal of said village, at the time prescribed by law for the delivery of the township tax roll to the township treasurer, who shall proceed to collect the same in the time allowed by law to township treasurers for the collection of taxes: *Provided*, That before said warrant is delivered into the hands of said marshal, he shall file with the village recorder such security for the due performance of his duties as may be required by the common council; and if any person shall neglect or refuse

Assessment roll.

Notice of review of.

Review.

Delivery of roll to marshal for collection.

Proviso—marshal to give security.

Distress and sale.	to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized to levy the same by distress and sale of the goods and chattels of the person who ought in law to pay the same, together with the costs and charges of such distress and sale, first giving notice thereof, as is required by law to be given by township treasurers, the surplus, if any, to be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes aforesaid on any real estate, he shall make a return thereof, with the amount due and unpaid on each description; and all provisions of law respecting the return and sale of real estate for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of real estate for the non-payment of such village taxes; the treasurer of the county of St. Joseph being hereby authorized and directed to receive the return of all such taxes, and apply the provisions of the general law to the same.
Notice of.	
Return of unpaid taxes.	
Provisions of general law applicable.	
County treasurer to return proceeds of sales for village taxes to village treasurer.	SEC. 16. The net proceeds of the sales of all real estate, delinquent for non-payment of said village taxes, shall be paid to the treasurer of said village by the treasurer of the county of St. Joseph whenever required by the village treasurer; and the net proceeds of all sums paid to the treasurer of St. Joseph county before sale on account of property within said village returned delinquent for non-payment of village taxes, shall in like manner be paid to said village treasurer.
	SEC. 17. This act shall take immediate effect.
	Approved March 31, 1875.

[No. 296.]

AN ACT to amend the charter of the village of Banks.

Act amended.	SECTION 1. <i>The People of the State of Michigan enact, That section four of article nine of an act entitled "An act to incorporate the village of Banks," approved April fifteenth, eighteen hundred and seventy-one, be and the same is hereby repealed, and that section one of article one, section one of article two, sections one and three of article three, section six of article five, sections one and five of article six, sections one, two, three, four, and five of article seven, sections three, five, and six of article eight, sections one and two of article twelve, section three of article thirteen, sections one, three, and five of article fourteen, sections one and two of article fifteen, sections one, two, three, four, five, six, seven, and eight of article sixteen, sections one and three of article eighteen, section two of article twenty, and section one of article twenty-five of said act, be amended so as to read as follows, and to add one new section to article sixteen of said act, to stand as section eleven.</i>
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ARTICLE I.

Boundaries.	SECTION 1. That so much of the township of Bangor, in the county of Bay and State of Michigan, as is embraced in the following described lands, to wit: All of sections fifteen and sixteen lying
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north and west of the Saginaw river, and the east half of the southeast quarter of section seventeen, all of said lands being in town fourteen north, of range five east, be and the same is hereby made and constituted a village corporate, by the name and title of the village of Banks.

ARTICLE II.

SECTION 1. The officers of said village shall be a president, recorder, treasurer, assessor, and six trustees, elected by the people, and such other officers, to be appointed as hereinafter provided, as may be necessary to carry out the provisions of this act. The board of trustees shall consist of the president and six trustees, a majority of whom shall be necessary for the transaction of business, but a less number may adjourn from time to time.

Officers.

Board of trustees.

ARTICLE III.

SECTION 1. The inhabitants of said village, having the qualifications of electors under the constitution of this State, shall, by a plurality of votes, elect by ballot each year one president, one recorder, one treasurer, one assessor, who shall severally hold their offices for one year, or until their successors are elected and qualified, and three trustees who shall severally hold their offices for two years from the date of their election, or until their successors are elected and qualified.

Elections and terms of office.

SEC. 3. Elections for officers shall be held on the first Tuesday in March in each year, at such place as shall be designated by the board of trustees: *Provided*, That if this act shall not take effect on or before the twenty-fifth day of February, eighteen hundred and seventy-five, then the election for that year shall be held under the provisions of section four of this act.

Time of annual election.

Proviso.

ARTICLE V.

SEC. 6. He shall appoint, by and with the consent of the trustees, one marshal, one pound master, and one or more overseers of streets, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him, or until his successor in office is appointed and qualified.

Appointment of officers.

ARTICLE VI.

SECTION 1. It shall be the duty of each trustee to attend all meetings of the board, unless absent from the village or otherwise unable to attend, and any member of the board absenting himself from any regular meeting, without sufficient cause, shall be fined for each case of absence not less than fifty cents nor more than two dollars. Every member present shall vote on all questions acted

Duties of trustees.

upon by said board, unless excused by the board from voting, and at the request of any member the yeas and nays upon any question shall be taken and recorded by the recorder. A majority of said board shall form a quorum for the transaction of business.

Power of board of trustees relative to grading streets, constructing sewers, reservoirs, bridges, etc.

SEC. 5. The board of trustees shall have power, by resolution or ordinance, to grade, plank, construct, or repair sidewalks and cross-walks within said village, and to cause the cost and expenses thereof to be assessed against the lots, tracts, and premises in front of or adjoining which such sidewalks or cross-walks shall be so built, graded, planked, constructed, or repaired. They shall also have full power and authority to construct reservoirs where needed, and to provide for supplying the same with water; to build bridges, construct sewers, drains, and culverts; to grade, gravel, pave, plank, repair, or otherwise improve the streets, alleys, lanes, public grounds, or parks in said village, and to make such other public improvements as may conduce to the general good and prosperity of said village, or any part thereof. They shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting all taxes provided for in this act, and may by such by-laws and ordinances provide that the real estate assessed for any of the purposes mentioned may be sold to pay such assessment or tax, and may provide for the redemption thereof; and in case any such tract or parcel of land cannot be sold for sufficient to pay the amount of said tax assessed or levied upon the same, the recorder of said village may bid in the same, for the amount so levied or assessed upon any such tract or parcel, for the use and benefit of said village of Banks; and in case any such lands shall be so bid in by said recorder, the amount assessed upon said lands so bid in shall be paid from the general fund or highway fund to aid in defraying the expenses of the improvement for which said assessment was made, which sums, so paid from said highway or general fund, shall be in addition to any amount appropriated out of said funds by said board of trustees for such purpose. They shall have power to make and define taxing districts within said village by resolution or ordinance for the purpose of levying and assessing taxes to defray the expenses, or any portion thereof, of grading, planking, or widening any street, lane, or alley within said village, and to cause the expense, or any part thereof, to be assessed against the lots and premises situated within said taxing district; and all apportionments for the purpose of such assessments shall be upon the basis of the value of each tract or parcel of land within such taxing district: *Provided*, That that portion of the street, lane, or alley to be so graded, planked, or widened shall be situated wholly within such taxing district, and that the expense thereof shall not exceed three per centum of the aggregate valuation of the tracts and parcels of land so assessed, situated within such taxing district, as appears from the assessment thereof, as shown by the then last general assessment roll of said village.

To assess and collect taxes.

To define taxing districts.

Previo.

ARTICLE VII.

SECTION 1. The recorder shall attend and act as such at all elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve, and keep all books and papers belonging to said corporation, and appertaining to his office, preserve and take charge of the corporate seal, and attend to the posting of all by-laws, ordinances, rules, regulations, and notices as the board of trustees shall direct.

Recorder to be clerk of elections, etc.

SEC. 2. The recorder shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office within five days thereafter.

To keep poll list, etc.

SEC. 3. The recorder shall give at least five days' notice of the time and place of holding elections under this act.

Notice of elections.

SEC. 4. The books and papers in the office of said recorder shall at all times on demand be produced for inspection to all electors and taxable inhabitants of said village; and upon demand and tender of fees at the rate of twenty cents per folio therefor, he shall make a certified copy or transcript of any paper or record filed or kept by him as such recorder. Copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced.

Records, etc., open for inspection.

Fees for certified copies.

SEC. 5. In case of the absence of the recorder from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate.

Absence of recorder.

ARTICLE VIII.

SEC. 3. He shall have power to compel all able-bodied citizens to aid in extinguishing fires, and any citizen refusing to so aid shall be liable for such refusal to a fine of not less than two nor more than five dollars, or imprisonment for not less than three nor more than ten days.

Marshal to compel citizens to aid at fires.

SEC. 5. He shall be *ex officio* overseer of streets in said village, and in the discharge of his duty as such overseer shall make an assessment roll in each year, containing the name of each and every person resident in said village, legally liable to pay a poll tax therein; and he shall collect from every person named in said roll the sum of one dollar as such poll tax. And he shall pay over to the treasurer of said village, and take his receipt therefor, all moneys collected by him under the provisions of this act, within seven days after collecting the same; and all moneys so paid over shall, by the treasurer, be passed to the credit of the highway fund.

To be ex-officio overseer of streets.

To collect poll tax.

To pay over to treasurer moneys collected by him.

SEC. 6. He shall report in writing to the board of trustees, from time to time, as he may be required by resolution of said board, of all his actions and doings by virtue of his office, which report shall be filed with the recorder of said village.

To report his doings to board of trustees.

ARTICLE XI.

Vacancies in
office.

SECTION 1. If any officer, elected or appointed to office under this act, shall cease to be a resident of said village, such officer shall be thereby vacated; and if any officer shall neglect to file his oath of office, as in this act directed, or neglect to file an official bond, when the same is required, to the satisfaction of the board of trustees, within the time limited by said board, such neglect may be deemed a refusal to serve, and the board of trustees may proceed immediately to declare such office vacant, and to cause such vacancy to be filled by appointment: *Provided*, That no elective officer shall be appointed by less than a majority vote of all the members elect of the board of trustees.

Proviso.

ARTICLE XII.

Compensation of
president and
trustees.

SECTION 1. The president and trustees shall each receive as a compensation for attendance at all meetings of the board of trustees the sum of fifty cents for each meeting; and for all other services by them, or any of them, rendered in the discharge of their official duties and at the elections of said village, they shall be entitled to receive two dollars per day each for such service.

Of other officers.

SEC. 2. The officers of said village (except as otherwise provided for in this act) shall receive such compensation as the board of trustees shall, by resolution, direct.

ARTICLE XIII.

Poll tax.

SEC. 3. The board of trustees shall have power to levy, and cause to be collected in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of fifty years (except paupers, idiots, lunatics, and others exempted by the laws of this State); and the board of trustees may make such by-laws and ordinances to compel the payment of the same as they may deem proper and is not in violation of the constitution and general laws of this State; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Highway fund.

ARTICLE XIV.

Assessment roll.

SECTION 1. The assessor of said village shall, once in each year, within forty days of the date of the annual election, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real and personal property in separate columns.

Review.

SEC. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, the assessor, with the advice of the president, shall then and there alter such assess-

ment roll as shall appear to them to be just and proper; and if any person or persons shall feel aggrieved by the final decision of the assessor and president, such person or persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the board of trustees, who are in like manner hereby authorized to adjust such valuation according to their discretion; and the board of trustees may at any time, before the tax is collected upon such assessment roll, correct any description of real estate which they may find erroneously described in said roll.

Right of appeal from decision of assessor to board of trustees.

Corrections of descriptions of real estate.

SEC. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of the general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots as a special assessment for work done, as provided for in section five of article six of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and recorder of said village.

Board to certify roll back to assessor.

ARTICLE XV.

SECTION 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided in the preceding section, proceed to estimate, apportion, and set down in two separate columns opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums in dollars and cents, as a general, special, and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done under section five of article six of this act, to be paid by the owner or owners or parties interested in such real and personal estate.

Rules for apportioning taxes.

SEC. 2. Immediately after apportioning the tax as provided in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the treasurer of said village, with a warrant annexed thereto, under the hands of said assessor and the president of said village, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein, opposite their respective names, as a tax or assessment, within forty days from the date of such warrant, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale.

Delivery of roll to treasurer for collection.

ARTICLE XVI.

SECTION 1. The treasurer of said village shall, immediately on receiving the assessment roll with the warrant of the assessor thereunto annexed, give notice that the said assessment roll has been placed in his hands for collection, and that a collection fee of one per

Notice of deposit of roll for collection.

cent will be added to all taxes paid within forty days, and to all taxes remaining unpaid at the expiration of forty days from the date of the assessor's warrant to the treasurer, there shall be added three per centum for collection fees, which per centum shall be the treasurer's compensation for collecting such taxes.

Collection by
distress and sale.

SEC. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed as aforesaid, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof as is required by law to be given by township treasurers; and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale thereon, the surplus shall be paid on demand to the owner or owners of such goods and chattels.

Collection in case
of removal from
village.

SEC. 3. In case any person upon whom any tax to be assessed in said village for personal estate shall have removed out of said village after the assessments, and before, by law, such tax ought to be collected, it shall be lawful for the treasurer to levy and collect such tax of the goods and chattels of the person so assessed in any township within the county to which such person shall have removed, or in which he shall reside.

Collection by suit
as for debt.

SEC. 4. If any person or persons who shall be assessed on personal property in said village shall refuse or neglect to pay the sum or sums at which they shall be so taxed or assessed, it shall be lawful for the treasurer or recorder of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax.

Return of un-
paid taxes.

SEC. 5. Within ten days after the expiration of the time mentioned in the warrant annexed to said tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid and the treasurer shall be unable to collect the same, he shall make on said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes remaining unpaid, and if the same, or any part thereof, are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so levied have not been paid, and further, that he has not been able to collect the same, nor upon diligent inquiry able to discover any goods or chattels subject to levy belonging to the person charged with or liable to pay such tax, and he shall deliver such statement and tax roll to the recorder of said village, and all taxes levied upon real estate and all assessments made thereon, under and by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Same a lien on
property.

Sale of lands for
taxes.

SEC. 6. The recorder, after receiving such statement and tax roll in manner and form as provided for in the preceding section, shall, under the direction of the board of trustees, and in pursuance of any ordinance or resolution of said board, proceed to sell at public

auction, to the highest bidder, so much of each described lot, tract, or parcel of land mentioned in said statement as may be necessary to pay the taxes, assessments, and interest with which such land may stand charged, together with costs of sale thereof.

SEC. 7. Before any land shall be sold for delinquent taxes as provided in the preceding section, the recorder shall give notice for at least thirty days, by publication in a newspaper published in said village, if any such should be so published, and, if not, then by posting up in at least three of the most public places in said village of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes. Notice of sale.

SEC. 8. The recorder, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day until all are sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale aforesaid. Sale.

SEC. 11. All lands bid off for the use and benefit of said village of Banks by the recorder of said village, under and by virtue of any of the provisions of this act, may, after the time provided for the redemption of the same shall have expired, be sold by the trustees of said village for the best price or prices that can be obtained therefor: *Provided*, That no such parcel of land shall be Sale of lands bid off to village.

sold for less than the amount for which the same was bid off by said recorder, with interest thereon at twenty per centum per annum from the time the same was bid off as aforesaid, together with all legal costs and charges thereon. Said lands, when so sold by said board of trustees, shall be conveyed to the person or persons purchasing the same, by quit-claim deed, to be executed by the president and recorder of said village under the seal of said board of trustees; which said deed, when executed as aforesaid, and witnessed and acknowledged in the form now provided by law for the witnessing and acknowledging of deeds of real estate, shall vest in the grantee therein named, all the right, title, and interest of said board of trustees and of the said village of Banks, in and to the premises therein described, and shall be *prima facie* evidence of an estate in fee simple in said grantee, and to the regularity and legality of all the proceedings had or taken by the said board of trustees or corporation in relation to said premises, from the time of the valuation thereof by the assessor of said village to the date of said deed inclusive; and every such conveyance, executed as aforesaid, and registered in the office of the register of deeds for Bay county, may be given in evidence in all the courts of this State, and with like effect as any other conveyance of real estate. All Provided.

moneys received from the sale of any lands by virtue of the provisions of this section shall be placed to the credit of the general fund. When sold to be conveyed by quit claim deed.

fund. Receipts to be placed to credit of general fund.

ARTICLE XVII.

Board of registration.

SECTION 1. The president, recorder, and one of the three trustees having the shortest term to serve shall constitute the village board of registration.

Register.

SEC. 2. The recorder shall provide a suitable bound book or register at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village recorder.

Registration of electors.

SEC. 3. The recorder of said village shall at any time (except as provided for in this act) on demand, enter in its alphabetical order the name of any person entitled to vote in said village under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Completion of same.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who, at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the recorder of said village; and after the close of said session no name shall be registered until after the close of the polls at the election then next ensuing (except as provided by the laws of this State guarding the purity of elections), in the several townships thereof.

ARTICLE XVIII.

Election board.

SECTION 1. The president, recorder, and one of the three trustees whose term of office will first expire shall constitute the election board.

Only registered electors may vote.

SEC. 3. At any election held under and by virtue of the provisions of this act (except at the first election otherwise provided for), and before the polls shall be opened, the recorder of said village shall cause the register of electors of the village of Banks to be placed in the hands of the election board, to be used by them during such election, and returned to the recorder of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

ARTICLE XX.

Proof of publication.

SEC. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the recorder of said village, when publication is made by posting up, as provided for in this act, of notice of tax sale or passage of any by-law, rule, regulation, or ordinance of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XXV.

SECTION 1. The board of trustees may borrow such sums of money as they may deem necessary for the purchasing for the use of said village a suitable fire engine, and material and implements necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*, That said board of trustees shall not borrow to exceed three thousand dollars for such purpose, unless authorized to borrow a greater amount by a majority vote of the qualified electors of said village: *And provided further*, That no greater sum than five hundred dollars of the principal thereof shall, in any case, be made to become due in any one year.

Board may borrow money to purchase fire engine, etc.

Proviso—limit of amount.

Further proviso.

SEC. 2. This act shall take immediate effect.

Approved March 31, 1875.

[No. 297.]

AN ACT to amend section twenty-two of an act entitled "An act to create a board of water and fire commissioners in the village of Marquette," being act number two hundred and forty-three of the session laws of eighteen hundred and sixty-nine, approved March second, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of an act entitled "An act to create a board of water and fire commissioners in the village of Marquette," approved March second, eighteen hundred and sixty-nine, be amended so as to read as follows:

SEC. 22. It shall be the duty of said commissioners to make report to the common council of said city on or before the first day of February of each year, which report shall embrace a statement of the condition and operation of the works, a statement of the funds and securities of said board, and all debts due and owing to and from said board, together with an accurate account of their expenses; also a list of fires, alarms, losses, and insurance on all property destroyed during the year, which statement shall be certified by said commissioners, and shall be entered of record by the recorder of said village, and published in such manner as said common council shall direct.

Reports of commissioners, contents of.

Approved April 1, 1875.

[No. 298.]

AN ACT to revise and amend the charter of the city of Muskegon, being amendatory of an act entitled "An act to revise and amend an act entitled 'An act to incorporate the city of Muskegon,'" approved March twenty-nine, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That all the following tract and parcel of land, situate in the county of Muskegon and State of Michigan, described as follows, to wit: com-

Boundaries.

mencing at the center of Muskegon Lake or river, in township ten north, of range sixteen west, where the section line between sections sixteen and seventeen crosses said lake or river; running thence south on the section line to the southeast corner of section twenty-nine, in said township; thence west on the section line to Muskegon Lake; thence north to the center of said lake; thence along the center of said lake to the middle of the bridge across said lake; thence east to the place of beginning, including all land in said boundaries, and the portion of said lake or river included therein, be and the same is hereby set off from the township of Muskegon and declared to be a city, by the name of "The city of Muskegon," by which name it shall hereafter be known.

Body corporate
and politic.

SEC. 2. The freemen of the said city from time to time being inhabitants thereof shall be and continue a body corporate and politic, to be known and distinguished by the name and style of "The city of Muskegon," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatsoever; and shall have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for said city.

First ward.

SEC. 3. The said city shall be divided into four wards, as follows: The first ward shall embrace all that portion of said city lying north and east of the following division line, to-wit: commencing at the south quarter post of section twenty-nine, in township number ten north, of range number sixteen west; thence north on the quarter line to the center of said section twenty-nine; thence west on the quarter line to the intersection of Pine street; thence along the center of Pine street to the center of Western avenue; thence along the center of Western avenue to the center of Ryerson creek; thence along the center and in the direction of said creek to the center of Muskegon lake. The second ward shall embrace all that portion of said city lying south and west of the division line above described, and north and east of the following division line, to wit: commencing at the southwest corner of section twenty-nine in said township, running thence north along the section line dividing sections twenty-nine and thirty to the center of Third street; thence northwesterly along the center of said street to the center of Prince street; thence along the center of Prince street to the center of Muskegon avenue; thence southwesterly along the center of said avenue to the center of Second street; thence along the center of Second street to the northerly line of Morris street; thence easterly along said line of said street to the easterly line of block three hundred and twenty two, as delineated on a map of said city made by Thomas Smalley in the year eighteen hundred and seventy-four; thence northwesterly along the easterly side of said block three hundred and twenty-two to the northeasterly corner of said block; thence southwesterly to the line between

Second ward.

block three hundred and twenty-one and three hundred and twenty-three; thence northwesterly on said line to the center of Muskegon lake. The third ward shall embrace all that portion of said city lying south and west of the division line last described, and north and east of the following division line to wit: commencing at the south quarter post of section thirty in said township; thence north along the quarter line to the center of Seventh street; thence along the center of Seventh street to the south line of Western avenue; thence northeasterly along the north line of Western avenue to the line dividing blocks three hundred and twenty-eight and three hundred and twenty-nine; thence northwesterly along said line to the center of Muskegon Lake. The fourth ward shall embrace all that portion of said city lying south and west of the division line last aforesaid.

Third ward.

Fourth ward.

ELECTIONS.

SEC. 4. The annual elections, under this act, shall be held on the first Monday in April in each year, at such places in the several wards as the common council may designate. Notice thereof shall be given by the recorder, at least ten days before the election, by posting the same in three public places in each ward. The aldermen of each ward shall be inspectors of such election, and of the State and county elections, and shall choose the clerks thereof, and in case of the absence of one or more of such inspectors, the electors may choose *viva voce* from their number one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace. The manner of conducting all elections and canvassing votes, and qualification of electors in the several wards, shall be the same as that of townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote be challenged: *Provided*, That, at such charter election the said ward inspectors shall make one certificate of the number of votes given for each person, for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of such election the common council shall meet at the office of said recorder, and thereupon determine who by the greatest number of votes given in the several wards at such election are duly elected to fill their respective offices, and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons so elected of their election, and each of said officers so elected and notified shall, within ten days after such election, but not afterwards, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office: *Provided*, That in case [of] the election of one or more justices of the peace, the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk of the proper county, in the same manner as is required of township clerks, and in case two or

Annual elections

Notice of.

Inspectors of.

Vacancies.

Elections conducted same as township elections.

Proviso—certificate of votes given.

Determinations of elections.

Notice to persons elected.

Oath of office.

Proviso.

- Tie.** more persons shall receive for the same office an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, who shall be considered elected to such office.
- Form of ballots.** SEC. 5. The ballot to be used in the election provided for in this act shall, in addition to the requirements of law in relation to ballots used at township elections, and not inconsistent with the provisions of this act, also designate the name of the person or persons to be voted for for city officers, and the name of the person or persons to be voted for for ward officers.
- Qualification of electors, canvass, etc.** SEC. 6. The qualification of electors, the mode of conducting elections, the canvass and return of the result thereof, shall be the same as provided by law in relation to townships, except so far as the same are inconsistent with the provisions of this act.
- Special elections.** SEC. 7. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward where any officer is to be chosen, a notice signed by the recorder, specifying the officer to be chosen, and the day and place at which such election will be held, and the proceedings at such election shall be the same as at the annual city election.

OFFICERS AND TERMS OF OFFICE.

- City and ward officers.** SEC. 8. The officers of said city shall be one mayor, one treasurer, one recorder, who shall be *ex officio* school inspector, one superintendent of schools and one school inspector, two directors of the poor and four justices of the peace, who shall be designated "city officers;" also two aldermen, one supervisor, and one constable in each ward, who shall be designated "ward officers." Said officers
- Terms of office.** shall be elected as follows, to wit: The mayor, treasurer, supervisors, superintendent of schools, school inspector, and constables shall be elected annually, and shall hold their offices one year, and until their successors shall be elected and qualified. The recorder, directors of the poor, and aldermen shall hold their respective offices for two years, and until their successors are elected and qualified. At each annual election there shall be elected one justice of the peace for the term of four years, and such a number of justices of the peace as may be necessary to fill the vacancies then existing. At each annual election there shall be elected in and for each of the several wards of said city, one supervisor, who shall hold his office for the term of one year, and until his successor shall be elected and qualified, and one alderman, who shall hold his office for the term of two years, and until his successor shall be elected and qualified: *Provided*, That no person elected to fill a vacancy shall hold any office provided for in this act for a longer time than during such unexpired term unless again elected: *Provided*, That the officers elected or appointed in pursuance of the act of which this act is amendatory, shall hold their respective offices until the expiration of their several terms, unless such offices shall otherwise become vacant, and the ward officers shall hold their respective offices until the expiration of their respective terms.
- Proviso.**
- Proviso-- officers in office to hold residue of term.**

MAYOR AND RECORDER.

SEC. 9. The mayor shall be chief executive officer of the city of Muskegon, and conservator of its peace. It shall be his duty to see that the officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed; and he shall have power, in his discretion, to report to the common council any violation thereof. He shall from time to time give to the common council such information and recommend such measures as he shall deem necessary and expedient.

Powers and duties of mayor.

SEC. 10. The mayor shall, by virtue of his office, be authorized to take acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, and may affix to any official certificate the seal of the city.

May take acknowledgments, etc.

SEC. 11. The mayor, when present, shall preside at the meetings of the common council, and in his absence the recorder shall preside; but if both mayor and recorder be absent, then the common council shall appoint one of their number who shall preside.

To preside at meeting of council.

SEC. 12. The recorder shall be clerk of the common council, and shall give bonds for the faithful performance of his duties in such sums as the common council shall by ordinance direct; and shall keep a record of their proceedings, in proper books provided therefor; and shall open and keep books of account, and such other books of receipts and expenditures as the common council may direct, and in such form and manner as they may order. He shall perform for the city all such duties as township clerks are required by law to perform for the several townships.

Powers and duties of recorder.

SEC. 13. The recorder shall possess the same powers, and perform and discharge the municipal duties of mayor, during the absence or inability, death, resignation, or removal of the mayor.

To act as mayor in his absence.

SEC. 14. The recorder shall report to the common council the names of such officers as shall have neglected to give the bond or security required by the provisions of this act.

To report officers neglecting to give security.

SEC. 15. All official bonds of said city, except as herein otherwise provided, shall be deposited with the recorder of the city for safe keeping; and it shall be his duty to deliver the same to his successors in office.

Have charge of official bonds.

DIRECTORS OF THE POOR.

SEC. 16. The directors of the poor of said city shall discharge the duties of overseers of the poor therein, and as such shall have the custody of all paupers residing therein, excepting county paupers; and shall also have the exclusive custody and disbursement of all moneys raised in said city for the support of paupers therein, except moneys raised for the support of county paupers. Before entering upon the discharge of their offices they shall give such bonds as the common council shall direct. The directors of the poor shall have the custody of the alms-house and all other property built or used by said city for the support of the paupers therein.

Directors of the poor.

To give bonds.

Have custody of alms-houses.

CONSTABLES.

Constables, powers and duties of, etc.

SEC. 17. The constables of said city shall have the like powers and authority as is conferred by law upon constables in the several townships of this State, and shall give like security as such constables.

Other officers.

SEC. 18. All other officers whose duties are not herein expressly prescribed, and those which the common council are herein authorized to appoint, shall perform such duties as are required of similar officers by the general laws of this State, and perform such other duties and give such security as the common council may require; and all officers appointed by the common council, or who shall have the control or management of any of the money or property of the city, may be required to give such security as the common council may prescribe and approve; and in default thereof the common council may declare their office vacant.

CITY ATTORNEY.

To conduct city suits.

SEC. 19. The city attorney shall appear and conduct all suits, prosecutions, and proceedings in any court in which the city of Muskegon is a party, to the end thereof, subject to the rules and practice of said court: and if the same be removed to any other tribunal by writ of error, *habeas corpus*, or otherwise, he shall conduct the case before such tribunal, and shall perform such other duties as the common council may require.

STREET COMMISSIONERS.

Duties of street commissioner.

SEC. 20. The street commissioner shall, under the direction of the common council, superintend the making, grading, paving, or planking, repairing, and opening of all roads, highways, streets, lanes, alleys, bridges, sidewalks, drains, and sewers within the limits of the city, in such manner as he may from time to time be required; and before entering upon the discharge of his duties, and within ten days from the notice of his appointment, shall take the oath of office and give such security for the faithful discharge of his duties as the common council shall direct and require.

Oath of.

To make list of persons liable for poll tax.

SEC. 21. The street commissioner shall, on the first day of June in each year, make a list in duplicate, and file one copy thereof with the recorder of said city, of all persons liable for a poll tax in said city at the date aforesaid.

CITY TREASURER.

Treasurer to collect taxes.

Bond of.

SEC. 22. The treasurer of the city shall be, by virtue of his office, the collector of all taxes and assessments, both general and special, levied and made therein, except as is herein otherwise provided; and for that purpose, within ten days after his election, he shall give bonds to the city, in such sums and with such surety or sureties as the common council shall require and approve; and he shall also give to the treasurer of the county of Muskegon such further security as is or may hereafter be required by law of the several township treasurers of this State as prescribed by law, and shall

also perform such other duties respecting the collection and return of taxes as the common council shall require.

SEC. 23. All moneys drawn from the treasurer shall be drawn in pursuance of an order of the common council, by warrant, signed by the recorder, and countersigned by the mayor. Such warrant shall specify for what purpose the amount named therein is to be paid, and the treasurer shall keep an accurate account, under appropriate heads, of all the warrants paid by him; and his books shall be open to the inspection of any elector of the city at all reasonable hours. The treasurer shall exhibit to the common council, at their last regular meeting in the month of March, and at such other times as the common council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found correct shall be filed.

Money to be drawn by warrant.

To make annual financial exhibit.

MARSHAL.

SEC. 24. The marshal of the city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require; and he shall be chief of police, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may be passed to carry into effect the powers granted by section forty-three of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all other persons in discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts in all respects he shall be responsible; and the marshal and his deputies, and also policemen, shall have the same powers to serve and execute processes in behalf of the corporation of said city as sheriffs and constables have by law to execute similar processes.

To give security.

To be chief of police.

To obey mayor.

May appoint deputies.

Powers.

ALDERMEN.

SEC. 25. It shall be the duty of every alderman of said city to attend the special and regular meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating any of the laws of this State, or the ordinances, by-laws, or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

Duties of.

COMPENSATION OF OFFICERS.

SEC. 26. The officers of said corporation shall be entitled to re-

Compensation of
officers.

ceive out of the city treasury the following sums, in full payment for their services: The mayor shall not be entitled to receive any compensation; the recorder and attorney shall be entitled to receive respectively such sums as the common council may allow, not exceeding one thousand dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed for similar services, and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council shall allow; the treasurer, supervisors, justices of the peace, marshal, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the street commissioners shall be entitled to receive a per-diem allowance, to be determined by the common council, but in no case to exceed three dollars per day for his services, and at the same rate for parts of days actually employed; the directors of the poor, superintendent of schools, and school inspector, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duty of their respective offices; the aldermen shall not be allowed to receive more than one hundred dollars each in any year as compensation for their services; the recorder, when performing such duties as are by the general laws of this State required of township clerks, shall receive therefor the same fees as such clerks are entitled to by such general law for such services: *Provided*, Said recorder shall not receive any fees or salary when acting as clerk or recorder of the proceedings of the common council or board of health excepting said sum of one thousand dollars as herein provided. The common council shall determine the fees or salary of the water commissioners, sewer commissioners, or other officers, the election or appointment of whom is provided in this act, whose fees or salary is not herein otherwise limited or provided.

Proviso.

Council to deter-
mine fees, etc.,
of certain offi-
cers.

Accounts to be
verified.

SEC. 27. The accounts and demands of aldermen, and also all other persons, against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the said common council.

RESIGNATION AND VACANCIES.

Resignation
made to council.

SEC. 28. Resignation by any officer authorized to be chosen or appointed by this act shall be made to the common council, subject to their approval and acceptance.

Filling of vacan-
cies.

SEC. 29. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman and justice of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person who is an elector, and if appointed for a ward, who is also a resident of the ward for which he is appointed, and an officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the tenth day after the election next succeeding, or until his successor is elected and qualified; if an

elective office which shall have become vacant was of that class whose term of office continues after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

POWERS AND DUTIES OF THE COMMON COUNCIL.

SEC. 30. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint; and on special occasions, whenever the mayor, or in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate, then the recorder shall, by written notice, appoint, and which notice shall be served on the members, and for such time as the common council may by ordinance direct. Common council, meetings of, etc.

SEC. 31. The sittings of the common council shall be public, except when the public interests shall in their opinion require secrecy. The minutes of the proceedings shall be kept by the recorder, and the same shall be open at all reasonable times to public inspection. Sittings and minutes to be public.

SEC. 32. Whenever required by one member, the votes of all the members of the common council, in relation to any act, proceeding, or proposition had at any meeting, shall be entered at large in the journal of the common council. When vote to be entered at large on journal.

SEC. 33. The common council shall be judges of the election, and the qualification of its own members, and shall have the power to determine contested elections, to compel the attendance of absent members, to determine the rules of its own proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business not inconsistent with the provisions of this act. Make rules for its proceedings.

SEC. 34. The common council may expel, or remove from office, any of its own members, or any other officer holding office by election, except the mayor, recorder, and justices of the peace, for contempt or willful malfeasance, or misfeasance in office, or willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect, and in such case the reason for expulsion or removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said council unless furnished with a copy of charges in writing, and allowed to be heard in his defense with aid of counsel; and for the purpose thereof, the common council shall have power to issue subpoenas to compel the attendance of witnesses, and the production of papers, when necessary, and shall proceed, within ten days after service of a copy of the charges, to hear and determine upon the merits of the case; if such officer shall neglect to appear and answer such charges, his default may be deemed a good cause for removal from office. Removal of officers.

SEC. 35. In the proceedings of the common council each member present shall have one vote, except the mayor and recorder, and the mayor, or recorder, if presiding, shall in all cases have a cast-vote. Proceedings.

SEC. 35. In the proceedings of the common council each member present shall have one vote, except the mayor and recorder, and the mayor, or recorder, if presiding, shall in all cases have a cast-vote. Voting in council.

ing vote, when the votes of the other members are equally divided, unless herein otherwise provided.

Quorum.

SEC. 36. A majority of the aldermen shall be a quorum for the transaction of business, but a less number may adjourn from time to time, and send for absentees.

Majority necessary to make appointments, etc.

SEC. 37. All appointments to office shall be made, and all assessments and disbursements ordered by a majority of vote of all the aldermen elected; and removals from office shall be made by the like vote except in cases where, by this act, a different vote may be required. The name of each alderman voting on any question provided for in this section shall be entered in the journal of said council.

Defaulters ineligible to office.

SEC. 38. No person shall be elected or appointed to any office created by this act who is now or may hereafter be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or to any county or township thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over or deliver to the person or persons authorized to receive the same, any public money or papers pertaining to his office which may have come into his possession. If any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Members of council not eligible to other offices.

SEC. 39. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the recorder from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman (of any) emolument or fees to which he may be entitled by virtue of his office, subject to the limitations contained in this act.

Construction of this section.

Duties performed by township officers to be performed by council and city officers, in certain cases.

SEC. 40. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon township boards of the several townships of this State in reference to schools, school taxes, highway taxes, county, and State taxes; in reference to the support of the poor; in reference to the cemeteries and the public health of said city; in reference to district, county, State, and other elections, and in reference to laying out, altering, and discontinuing roads and highways in said city; and the supervisors, justices of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties in the same manner, receive the same pay, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the common council.

SEC. 41. The common council may at any time require an officer, whether elected or appointed, to execute and file with the recorder of the city new official bonds in the same or such further sums, and with new or such further sureties, as said council may deem requisite for the security of the corporation. Council may require new bonds.

SEC. 42. The common council shall, on or before the first day of May in each year, appoint one marshal, one street commissioner, one city attorney, one city surveyor, and one city harbor master; also, so many police constables, pound-masters, inspectors of fire-wood, sealers of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted, and as the common council may from time to time direct, who shall hold their several offices during the pleasure of the common council. Officers to be appointed by council.

SEC. 43. The common council, in addition to the powers and duties conferred upon them in this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city; and make such orders and by-laws relating to the same as they shall deem proper and necessary, excepting as provided in this act: *And further,* They shall have power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they deem advisable, within said city, for the following purposes: Council to have control of city property, finances, etc., and may pass ordinances as follows:

First, To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of the city; to prevent and quell riots, disturbances, and disorderly assemblages; To prevent vice, etc.

Second, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming; and to prohibit all gaming and fraudulent devices, and to license, regulate, or restrain billiard tables or bowling alleys; To suppress gaming houses, etc.

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State; to provide for and require the closing of saloons, restaurants, and other places where intoxicating liquors are sold on Sunday, and at such other days and times as the common council may by ordinance determine; and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers; To prevent sales, etc., of liquor. To regulate auctions, etc.

Fourth, To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances or exhibitions for money; To regulate exhibitions, etc.

Fifth, To abate and remove nuisances of every kind, and to compel the owner or occupant of every grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, abate, or remove the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city; To abate nuisances.

- Direct the location of slaughter houses, etc.** *Sixth*, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder and other combustible and explosive substances;
- Relative to combustibles.** *Seventh*, Concerning the buying, carrying, and selling gunpowder, fire-crackers or fireworks manufactured and prepared therefrom, or other combustible materials, and the exhibition of fireworks, and the discharge of firearms, and the light in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards;
- Fire arms.** *Eighth*, To prevent the incumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves, or slips in any manner whatever, and to regulate and provide for the anchorage, movement, shifting, and removal of any and all water crafts being and lying in the Muskegon lake or river, or in front of or in any dock, wharf, or slip in said city;
- Incumbering of streets, etc.** *Ninth*, To determine and designate the route and grades of any railroads to be laid in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city: *Provided*, Such designation or determination shall not affect the right or claim of any person for damages sustained in consequence of the building of such railroad: *Provided further*, That no person or persons, or corporation shall build any railroad track intended for the passage of locomotive engines, or run, or cause to be run any locomotive engine on any track any part of which track shall be nearer than twenty rods to any part of any lot or block occupied for the purpose of the union or ward school [schools] of the said city of Muskegon;
- To determine route, etc., of railroads.** *Tenth*, To prohibit or regulate bathing in any public waters, or in any open or conspicuous place, or any indecent exposure of the person in the city;
- Proviso.** *Eleventh*, To restrain and punish drunkards, vagrants, mendicants, street beggars;
- Further proviso.** *Twelfth*, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;
- Relative to bathing, etc.** *Thirteenth*, To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dogs fighting in the streets;
- To restrain drunkards, etc.** *Fourteenth*, To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his default, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;
- Regulate pounds.** *Fifteenth*, To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions;
- Running at large of dogs.**
- Relative to offensive substances.**
- To compel cleaning of sidewalks.**

Sixteenth, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; To regulate crying of goods, etc.

Seventeenth, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies. To appoint watchmen, etc.

Eighteenth, To prohibit, restrain, or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing, or placing of wooden buildings therein; to prohibit, restrain, or regulate the erection of any mill or other building of a combustible nature that is being erected or intended to be erected in such a locality or manner as to endanger the safety of said city; to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to compel such buildings to be erected upon such line by fines upon the owner or builder thereof, not to exceed five hundred dollars; To direct the location of buildings.

Nineteenth, To provide for obtaining, holding, regulating, and managing burying grounds within or without the city when established for the benefit thereof, to regulate the burial of the dead, and to compel the keeping and return of the bills of mortality; Relative to cemeteries.

Twentieth, To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street; To prevent immoderate driving, etc.

Twenty-first, To establish, order, and regulate the markets, to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and to prescribe the time and place of selling the same, and the fees to be paid by butchers for license, to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious, or adulterated wines, spirituous liquors, or beer, or knowingly keeping or offering the same for sale: *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter, within the limits of the city; Relative to markets, etc.

Twenty-second, To establish, regulate, and preserve public reservoirs, wells, penstocks, and pumps, and to prevent the waste of water; to authorize and empower under such regulations, and under such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water, to grant such exclusive privileges as they may deem expedient to any company for that purpose, and to regulate the supply and use of the water; Reservoirs, wells, etc.

Twenty-third, To establish, operate, and maintain water-works within said city for a protection against fire and the supplying of the inhabitants with water, and to regulate the supply and use of the water; Water works.

Twenty-fourth, To regulate sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chim- To regulate sextons, etc.

Licensing carts, drays, etc.	ney sweeps, and their fees and compensation, and to make regulations for preventing auctions, peddling, pawnbrokerage; or using for hire carts, drays, cabs, hacks, or any kind of carriages or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food, or drink, or billiard tables, ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept for use or hire, auctioneers, peddlers, pawnbrokers, auctions, peddling, pawnbrokerage, taverns, hotels, victualing houses, saloons, or other houses or places for furnishing meals, food, or drink, and keepers of billiard tables and ball alleys, not used for gaming: <i>Provided</i> , That no such license shall authorize the sale of any spirituous or malt liquors;
Proviso.	<i>Twenty-fifth</i> , To prevent runners, stage drivers, and others from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel, or otherwise;
Relative to runners.	<i>Twenty-sixth</i> , To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;
Numbering of buildings.	<i>Twenty-seventh</i> , To make regulations for the lighting of the streets and villages, and the protection and safety of public lamps;
Lighting of streets.	<i>Twenty-eighth</i> , To prescribe the duties of all officers appointed by the common council, and their compensation, excepting as herein otherwise provided, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
To prescribe duties and compensation of officers.	<i>Twenty-ninth</i> , To preserve the salubrity of the waters of Muskegon lake and river, or other waters within the limits of the city; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of said river within the limits of the city; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, enclosing, and mooring of vessels, and laying out of cargoes and ballast from the same; to fill up all low grounds, of lots covered, or partially covered with water, or to drain the same, as they may deem expedient; to regulate the cutting of ice in Muskegon lake;
To preserve the purity of Muskegon lake and river, etc., etc.	<i>Thirtieth</i> , To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand and stands for wood, hay, and produce exposed for sale in said city;
To prevent obstruction of navigation.	<i>Thirty-first</i> , To provide for taking the census of the inhabitants of said city whenever they may see fit, and to direct and regulate the same;
To regulate the cutting of ice.	
To designate stands for carriages, etc.	
To provide for taking the census.	

Thirty-second, To establish a grade for streets and sidewalks, and cause the same to be constructed in accordance with the same; To establish grade of streets, etc.

Thirty-third, They shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of said city and the general welfare of the inhabitants thereof, and to this end the said common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid. May enact ordinances for good government of city.

SEC. 44. The common council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. Every license may be revoked by the common council at pleasure for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the common council. The person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. May grant licenses, etc. Revoke same.

SEC. 45. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable, excepting by special permit of the common council. The common council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, or trade, or do anything for, or in respect to which, any license shall be required by any ordinance or regulation of the common council. Limit of licenses.

SEC. 46. All moneys received for or on account of any license granted for any purpose, shall be paid into the city treasury to the credit of the contingent fund. Disposition of moneys received for.

SUPERVISORS.

SEC. 47. The several supervisors of said city shall have the same powers and authority, shall perform the same duties, as supervisors of the townships. They shall be members of the board of supervisors of Muskegon county, and they shall perform as supervisors such other duties as by this act shall be required of them. Powers of supervisors.

JUSTICES OF THE PEACE.

SEC. 48. The justices of the peace of said city shall have and exercise therein the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of this State, excepting as herein otherwise provided. They shall have authority to hear, try, and determine all actions for the recovery of any fine, penalty, or forfeiture, for the violation of any of the ordinances of said city, and all actions for encroachments upon or injuries to any of the streets, alleys, and public grounds of said city. They shall have authority to hear, try, and determine all prosecutions of, and to punish offend- Jurisdiction and authority of.

- ers for the violation of any of the ordinances of said city as in said ordinances prescribed.
- Appointment of police justice.** SEC. 49. The common council of said city, at any of their meetings in the month of April in each year, may designate and appoint any one of the justices of the peace whose term of office will not that year expire, as a police justice. Such police justice shall
- Term of office of.** hold his office of police justice during the pleasure of the common council, but not beyond the first Monday in May next succeeding his appointment, unless he shall be re-appointed to said office. Before he shall enter upon the discharge of his duties as police justice, he shall give bonds to the city of Muskegon, in such sum as the common council may direct, with one or more sufficient sureties to be approved by the mayor, conditioned for the faithful performance of the duties of his office, and to account for and pay over all moneys which shall come into his hands belonging to said city, to the treasurer thereof, at the expiration of every month during the time he shall continue in office, which bond shall be filed with the recorder.
- Bonds of.**
- Where filed.**
- Jurisdiction of.** SEC. 50. Such police justice shall, except in case of his absence or inability to act, have exclusive jurisdiction to hear, try, and determine all prosecutions for violations of city ordinances; to hear, try, and determine all actions for the recovery of any fine, penalty, or forfeiture, for the violation of any of the ordinances of said city, and to punish offenders for the violation of any ordinance as in said ordinances prescribed. In case a vacancy shall occur in the office of police justice, by resignation or otherwise, the common council may at any time designate and appoint some other one of the justices of the peace as a police justice, who shall give the bond and perform the duties of police justice as herein prescribed.
- Vacancy in office of, how filled.**
- When any justice may discharge duties of.** SEC. 51. In case the common council shall fail to designate and appoint a police justice, or in case of the sickness of said police justice, his absence from the city, or other inability to discharge his duties, or during any vacancy in said office, any justice of the peace in said city shall discharge the duties of said office.
- Disposition of fines, and monthly reports of prosecutions.** SEC. 52. All fines which may be recovered by the city in any justice or police court in prosecutions for violations of city ordinances, shall be paid by such justice or police justice into the city treasury, who shall make monthly reports on each prosecution to the common council of his doings in the premises.
- Removal of justices for neglect, etc.** SEC. 53. Any justice of the peace of said city may be suspended or removed from his said office by the circuit court of Muskegon county, for neglect or refusal to pay over any fine moneys collected by him, or for any official misconduct, on charges specially preferred by the common council, a copy of which charges shall be served upon him, in such manner as the circuit court shall direct, and opportunity shall be given him to be heard in his defense.

WATER WORKS COMMISSIONERS.

- Council may establish water works.** SEC. 54. The common council shall have the power to establish, construct, maintain, regulate, and keep in repair a system of

water works, for the purpose of supplying the city with water, for municipal, domestic, and other purposes; and for that purpose may appoint a board of water commissioners, consisting of not exceeding three resident freeholders of said city, whose powers, duties, duration of terms of office shall be fixed by ordinances of the common council. The said board of water commissioners, when organized, shall make such rules and regulations relative to said water works, and to the water supplied thereby, and may fix such rates to be paid by residents of said city, and others using the water thus supplied, as to it may seem just, subject, however, to the approval of the common council.

Appoint a board of water commissioners.

Powers and duties of board.

SEC. 55. Any member of said board may, at any time, be removed by the mayor and common council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That a copy of the charges against such member, sought to be removed, shall be served on him, with notice of the time and place of hearing the same, at least ten days previous to the time so assigned, and opportunity be given him to make his defense.

Removal of members of for misconduct.

Proviso.

SEC. 56. Annually, after the year one thousand eight hundred and seventy-five, the common council, at their first meeting in May, or within ten days thereafter, shall appoint as hereinbefore provided, to membership in said board of water commissioners, one or more persons, as the case may require, to serve for the period of one year, or until their successors are appointed and qualified, in place of those whose term of office will then expire. Vacancies occurring in said board from any cause may be filled for the unexpired term by the common council.

Annual appointment of members.

Vacancies.

FINANCE AND TAXATION.

SEC. 57. It shall be the duty of the common council, on or before the last Saturday of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year, to be denominated the contingent fund; and also the amount necessary to be raised for the payment of the public debt of the city, and the interest thereon, to be denominated the interest fund; and to apportion said amounts so to be raised among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of said several wards for such year, as equalized by the board of supervisors of Muskegon county for such year; and within five days the recorder shall notify each of the supervisors of the several wards of said city of the amounts so apportioned to their respective wards; and it is hereby made the duty of the supervisor of each of the several wards of said city to levy the amount so apportioned to his respective ward, and such other taxes as may be required by law, upon the taxable property of such ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Determination of amount of tax, to be raised for city purposes.

Apportionment of, among the wards.

Notice to supervisors.

Levy of tax.

SEC. 58. All State, county, and school taxes in said city, taxes raised for the support of the city poor, and all city taxes which

Manner of levying and collecting taxes.

shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale, and redemption of real estate for the non-payment of taxes, shall be in conformity with proceedings for the return, sale, and redemption of real estate by township officers.

City taxes.

SEC. 59. The common council shall have authority to levy, assess, and collect taxes upon all the real and personal estate taxable in said city in such amount each year as may be necessary to defray the ordinary expenses of the city government, to pay the public debt of said city, and the interest thereon, and including the support of the public schools of said city, the maintenance of the city poor, the support of the police and fire department, expenses of the board of health, the care and maintenance of water works, subject to restrictions contained in this act: *Provided*, That the amount of such tax shall not exceed seven per cent on the valuation of such real and personal property within said city according to the valuation thereof taken from the assessment rolls of the preceding year.

Proviso—
limit of.

Board of review.

SEC. 60. The supervisors of said city shall constitute a board for the correction and revision of the assessment rolls thereof, of which board the recorder shall be clerk, and in case of a tie vote on any question that may arise before said board, he shall have a casting vote. In case of a vacancy in the office of recorder, or his inability to attend, said board may choose some competent person

Time of meeting.

to act as clerk *pro tem*. It shall be the duty of said board to meet as soon as may be after the completion of the assessment and before the first day of June in each year, at the common council room, and shall remain in session six hours each day for at least five successive days, of which meeting the recorder shall

Notice of meeting.

give five days' previous notice by publication in one or more public newspapers printed in said city, and by posting said notice in three of the most public places in each ward. Said board are

Duties of board.

hereby authorized to revise, equalize, alter, and correct said assessment rolls in such manner as they may determine; and for that

Review of assessment roll.

purpose said board may add to or diminish the aggregate valuation of any ward or wards of said city, as appears by the assessment roll thereof; they may add to said roll any description of property, real estate and personal, taxable in such ward on the second Monday of May of said year as do not appear thereon; they may strike from such roll any property not legally thereon, and may make such other alterations and corrections as may be necessary and proper in order to perfect a just and true appraisement and valuation of the real and personal property of said city, which equalization, alteration, and correction may be made at the request of any person considering himself aggrieved, upon sufficient cause being shown, or at the suggestion of the members of said board: *Provided*, The aggregate valuation of any ward shall not be increased or diminished, excepting so far as the change in single or individual assessments may affect the same, without the consent of two-thirds of the supervisors of said city. Said board may make a new roll

Proviso.

or rolls for any ward or wards whenever they may deem the same necessary, embracing such alterations and corrections as may have been adopted by said board at said meetings. It shall be the duty of the recorder to attach his certificate to said assessment rolls, showing that the same have been duly revised and corrected, and said rolls, or any new roll or rolls that may have been made by order of said board, shall be and remain the assessment rolls of said wards respectively for the purposes mentioned in this act.

Board may make a new roll.

Recorder to certify rolls.

SEC. 61. The recorder shall, immediately on the receipt of the several tax rolls of the respective wards, deliver the same with the warrants thereto attached to the city treasurer: *Provided*, Security has been given by such city treasurer as required by law, or in this act provided; but if such security shall not have been given by such city treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person who shall give the required security to collect such tax rolls, and the person so appointed shall thereupon be entitled to receive said tax rolls, and shall collect and pay over such taxes, and make a return of his doings thereon in the same manner, and shall have all the power, and shall perform all the duties, and be subject to the same liabilities as is in this act conferred upon the city treasurer of said city for the purpose of the collection and return and paying over said taxes.

Delivery of rolls to treasurer.

Proviso—treasurer to give security.

When council may appoint collector.

SEC. 62. The taxes so levied shall be and remain a lien upon the property on which the same was levied in the same cases, to the same extent, and in like manner, as the taxes required by law to be levied on the property in the several townships of this State are liens upon such property; and all provisions of law respecting the making of assessment rolls, and the warrants attached thereto, and the collection, the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the collection, return, and sale of property for the non-payment of such taxes, except as herein otherwise provided: *Provided*, That the treasurer or other collecting officer of said city is hereby authorized to collect the tax assessed upon any real estate liable to taxation in said city, from the person owning the said real estate on the first day of December for the year for which said assessment is made.

Taxes a lien.

Provisions relative to assessments, etc., same as those of townships.

Proviso.

SEC. 63. No general or special tax assessed in said city upon any property therein shall be held illegal or invalid for any matter of form in any matter or thing not affecting the merits of the case and which shall not injure or prejudice the rights of the party assessed; and all taxes assessed in said city shall be presumed to be legally assessed until the contrary is affirmatively shown; and no such presumption shall be rebutted, or any sale for taxes assessed in said city rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office is not to be found in the office where the same ought to be filed or found, but until the contrary is proven the presumption shall be in all such cases that such paper, certificate, return, or affidavit was made and filed in the proper office.

Relative to proof of illegality of tax.

Amount re-
quired for high-
way purposes,
when determin-
ed, etc.

SEC. 64. The common council shall, on or before the first day of June in each year, determine the amount necessary to be raised in each ward of said city for such [year] for highway purposes, not exceeding one quarter of one per cent on the assessed valuation of such wards, and shall provide for the levying, assessing, collecting, and expending the same in the same manner as provided by the general laws relating to townships of this State.

Poll tax.

SEC. 65. The common council shall have power to assess and collect from every male inhabitant of the city over the age of twenty-one, and under the age of fifty years (except paupers, idiots, and lunatics, and other persons who are by law exempt), an annual capitation or poll tax not exceeding one dollar, and they may by ordinance provide for the collection of the same. Any person assessed for poll tax may pay the same by one day's labor upon the streets under the direction of the street commissioner. The money raised by such poll tax shall be expended under the direction of the common council.

Payment of.

Money thus
raised, how ex-
pended.

ISSUE OF BONDS.

Meeting of elec-
tors to vote on
question of iss-
ing bonds.

SEC. 66. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, they shall call a meeting of the electors thereof, by posting notice in five of the most conspicuous places in said city, and by publication in one or more newspapers published therein, at least eight days previous to the time of said meeting, giving notice of the time and place of such meeting; also specifying the amount of, and the object for which it is proposed to issue said bonds. The mayor, or in his absence the recorder, shall preside at such meeting; and the electors present shall choose *viva voce* from among their number the inspectors and clerk of said election, who shall, before proceeding to the discharge of their duties, take an oath or affirmation faithfully to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths. Said election shall be conducted in the same manner, and the canvass of votes, as near as may be, as the annual city election. At the close of such election, the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the clerk of the county of Muskegon.

Notice.

Who to preside.

Inspectors and
clerk.

Oath.

Manner of count-
ing, etc.

Certificates of
votes.

Issue of bonds
and provisions
for payment.

SEC. 67. Whenever the common council shall be authorized by a vote of the electors thereof, they may issue the bonds of said city for the amount as aforesaid, and provide for the payment of the principal and interest thereon, and for that purpose shall annually levy, assess, and collect on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sufficient sum to pay the interest accrued, or to accrue, and the principal becoming due on said bonds for the year for which said taxes are levied.

Bonds, etc., not
to be issued
without due au-
thority.

SEC. 68. No bond, note, or other obligation or evidence of indebtedness, except orders on the treasury as hereinafter provided,

shall ever be given or issued by said city, or by any officer thereof in his official capacity, whereby the city shall become obligated to pay any moneys, unless the same shall have been duly authorized by the laws of this State, and shall have been submitted to and voted for by the electors of said city in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, payable on the first day of February next thereafter.

Claims.

ORDINANCES.

SEC. 69. The style of all ordinances of the common council shall be "The common council of the city of Muskegon ordain." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elect. The time when any ordinance shall take effect shall be prescribed therein. Such time, when by the terms of the ordinance a penalty is imposed, shall not be less than ten days after its first publication. All process for the enforcement of any ordinance or by-law of said city shall be: "In the name of the people of the State of Michigan."

Style of ordinances. Majority vote to pass.

When to take effect.

SEC. 70. Every ordinance shall be fully written out, in a plain, legible manner, without erasure or interlineation, before the same shall be passed by the common council, and shall forthwith be presented to the mayor, or acting mayor, for his approval. If approved by him, he shall sign such ordinance; if he do not approve of the same it shall not become operative until it shall be again submitted to said common council, and receive an affirmative vote of two-thirds of all the aldermen elect.

Relative to passage of ordinances.

SEC. 71. All ordinances when approved by the mayor, or when regularly enacted, shall be immediately filed in the office of the recorder, who shall enter the same in a separate book to be kept for that purpose, to be known as "Book of ordinances of the city of Muskegon." It shall not be necessary to enter any ordinance at length in the minutes or journal of the common council, but reference may be made thereto by its title in regard to all actions upon the passage thereof.

Ordinances to be filed and recorded.

SEC. 72. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulating within the city, and such publication shall be continued in such paper for two successive weeks. Proof of the requisite publication of any ordinance, resolution, or other proceeding of the common council, may be made by the affidavit of a printer or publisher of any paper in which the same may have been published, and such affidavit, when duly filed with the recorder, shall, in all cases and places, be conclusive evidence of the legal publication of such ordinance, resolution, or other proceeding. All ordinances and by-laws of the common council, printed and published, by their authority, shall, in all courts, places, and proceedings, be received without further proof, as *prima facie* evidence thereof, and of their legal enactment and publication.

Publication of.

Proof of publication.

Evidence in court.

SEC. 73. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and

Judicial notice of the enactment and existence of.

in all proceedings in such courts, relating to or arising under any ordinance thereof, judicial notice shall be taken of the enactment, existence, provision, and continuing force of such ordinance.

Limit of penalty
for violation of.

SEC. 74. When by the provisions of this act the common council have authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding one hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding three months, or both, in the discretion of the court, together with the costs of prosecution, for each violation of any such ordinance; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned in the county jail of Muskegon county, or the Detroit house of correction, for a term not exceeding ninety days.

ENFORCEMENT OF ORDINANCES.

Recovery of pen-
alties and forfeit-
ures.

SEC. 75. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same may be sued for in one of the actions aforesaid.

Idem.

SEC. 76. Any action for the recovery of a penalty or forfeiture for the violation of any ordinance shall be brought in the name of the city of Muskegon, and may be commenced by summons. The form, time of return, and service thereof, the pleading, and all proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to the county jail of Muskegon county, for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law.

Prosecutions
may be com-
menced by war-
rant.

Form of war-
rant.

Proceedings.

SEC. 77. Prosecutions for violations of the ordinances of said city may also in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made as provided by law in criminal cases, cognizable by justices of the peace; and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment and the execution thereof shall, except as otherwise provided by this act, be governed by and conform, as nearly as may be, to the provisions of law regulating the proceedings in criminal causes, cognizable by justices of the peace.

SEC. 78. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Judgment.

Costs.

SEC. 79. Every such judgment shall be executed by virtue of an execution or warrant specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence. In cases where a fine and imprisonment in default of payment thereof, or when imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter for the term named in the sentence.

Execution of judgment.

SEC. 80. The city of Muskegon shall be allowed the use of the county jail of Muskegon county for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and the sheriff or other keeper of such county jail shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Use of county jail.

SEC. 81. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city to state or set forth such ordinance or any provision thereof in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of said city, referring thereto by its title and the date of its passage or approval; and every court or magistrate having authority to hear, try, and determine the cause, shall take judicial notice of the enactment, existence, and provisions of the ordinances of said city, and the resolutions of the council, and of the authority of said council to enact the same.

Setting forth ordinance in complaint, pleading, etc.

Statement of cause of action in complaint, etc.

Judicial notice of enactment, etc., to be taken by court.

SEC. 82. In all prosecutions for violations of any ordinance of said city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases, cognizable by justices of the peace, and in suits commenced by summons, as in civil cases, triable before such justices. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Trial by, and forming of jury.

SEC. 83. Any person convicted of a violation of any ordinance of said city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the

Appeal to circuit court.

county of Muskegon, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and certiorari in criminal cases, cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violation, either party may appeal from the judgment, or remove the proceedings by certiorari into the circuit court; and the like proceedings shall be had thereon, and the like bond or security given, as in cases of appeal and certiorari in civil causes tried before justices of the peace, except that the city of Muskegon shall not be required to give any bond thereon.

Bond, security, and proceedings. SEC. 84. In case of appeal, after conviction of a violation of any ordinance or by-law of said city, the person making such appeal shall pay costs, including return fee to the justice of the peace, and entry fee in the circuit court, in the same manner as in appeals in civil cases, before justices of the peace.

Disposition of fines. SEC. 85. All fine moneys, when paid or collected, shall be paid into the city treasury, to be disposed of as the common council may direct. Justices of the peace receiving any such fines, and neglecting or refusing to pay over the same within thirty days thereafter, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Penalty for neglect to pay over, etc. SEC. 86. All process issued by any justice of the peace, to enforce or carry into effect any of the ordinances of the common council, shall be directed to the marshal of the city of Muskegon, or any constable of the county of Muskegon, and such process may be executed by any of said officers, anywhere within the county of Muskegon, and shall be returnable the same as other similar process, issued by justices of the peace.

Issue, execution, and return of process. SEC. 87. All process issued against said city, shall run against said city in the corporate name thereof, and such process shall be served by leaving an attested copy of the same with the mayor or recorder, at least ten days before the day of appearance therein mentioned.

PUBLIC HEALTH.

Process against city, how served. SEC. 88. The common council of said city may enact all such ordinances as they may deem necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction or spread of malignant, infectious, or contagious diseases, and for the removal or seclusion of persons having such diseases, or who from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment as the council may prescribe, or the public safety may require.

Provisions for protection of. SEC. 89. The common council shall have power to prevent, and remove or abate all nuisances dangerous to life or health, and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon which any such nuisance may be found, to remove or abate the same, upon

Abatement of nuisances dangerous to health.

such notice and within such time and in such manner as the common council may by ordinance or resolution direct.

SEC. 90. If any person or persons shall neglect to remove or abate any nuisance in accordance with any ordinance or resolution of the common council, and if any expense shall be incurred by the city in removing or abating such nuisance, such expense may be recovered by the city in an action of debt or assumpsit.

Collection of expenses of removals, in case of neglect.

SEC. 91. The common council may purchase the necessary lands, and erect, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employés, for the care and management thereof; and by direction of the common council, acting as board of health, persons having any malignant, infectious, or contagious disease may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such persons from departing from such hospital until duly discharged.

Erection, care, and management of hospitals.

SEC. 92. The common council shall have and exercise within and for the city all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act, and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Power of council same as boards of health.

SEC. 93. The common council may require the owner or occupant of any building or structure which may be insecure, unsafe, or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the marshal, or his deputies or assistants, and the expense of such removal may be recovered by said city in an action of debt or assumpsit against the owner or owners of such building or structure.

Removal of dangerous structures.

SEC. 94. The common council of said city may constitute the board of health, and they may employ a physician, to be known as the city physician, who shall hold his office during the pleasure of such council.

Council may constitute the board of health and appoint a physician.

FIRE DEPARTMENT.

SEC. 95. The common council shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accidents resulting therefrom, and for that purpose to establish and maintain a fire department, to organize and maintain fire or hose companies, to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen, and officers thereof; and for the care and management of the engines, apparatus, and property pertaining to the department, and prescribing the powers and duties of such employes, firemen, and officers.

Ordinances and regulations relative to.

SEC. 96. The common council may purchase and provide suitable

Fire engines,
reservoirs, etc.

fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires, and may construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city, and make all necessary provisions for a convenient supply of water for the use of the department.

Engine house.

SEC. 97. The council may also provide or erect all necessary or suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Appointment
and duties of
chief engineers.

SEC. 98. The chief engineers of the department shall be appointed by and shall be subject to the direction of the common council, and shall have the supervision and direction of the department and the care and management of the engines, apparatus, and property, subject to such rules and regulations as the council may prescribe; and the council may appoint such assistant engineers and other officers of, as may be necessary.

Power of engineer and other officers to command citizens to aid at fires.

SEC. 99. The chief engineer, mayor, chief of police, and any alderman or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

Fire wardens
and their duties.

SEC. 100. The council may provide, by ordinance, for the appointment of, and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them from time to time of the stoves, furnaces, heating apparatus and devices in all the dwellings, buildings, and structures within the city, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire limits.

SEC. 101. The common council may prescribe by ordinance, from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

Location of
shops, lumber
yards, etc.

SEC. 102. The council may also prohibit, within such places or districts as they may deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the council, the danger

Storing of combustible and explosive substances.

from fire is thereby increased; they may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 103. Every building or structure which may be erected,

placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Power of council to remove certain buildings.

SEC. 104. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injuries which any fireman may receive to his person or property in consequence of the performance of his duties at any fire.

Compensation of employees of fire department.

SEC. 105. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed when deemed necessary in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council within three months after the fire for damages or compensation for such buildings, the council may, in their discretion, pay him such compensation as may be just; they may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which, in their opinion, was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

Pulling down of buildings to arrest fires.

Compensation for damages, how ascertained, etc.

How defrayed.

GRADING, PAVING, ETC.

SEC. 106. The common council shall have power to grade, pave, plank, curb, or otherwise improve and repair the streets, avenues, and alleys of said city. Such part of the expense of any such improvement as the common council may determine, may be paid from the general highway fund of the ward or wards in which the same may be located, or the whole or such part of the expense of such improvement as the council shall determine may be defrayed by special assessment upon lots and premises included in a special assessment district, to be constituted of lots and premises fronting on or adjoining that part of the street or alley so improved, or proposed to be, or constituted of lots or parts of lots fronting on or adjoining said improvement, and such other lots or parts of lots as in the opinion of the common council may be benefited by the improvement.

Authority for.

Apportionment of the expense.

SEC. 107. The expense of making any public improvement at any interior square or space formed by the intersection of streets, and also the expense of making any such public improvement in front of any property belonging to the city, shall be paid out of the ward highway funds, or the contingent fund of the city, as the common council shall direct.

Expense of certain public improvements paid by city.

Council to regulate time and manner of working streets, etc.

SEC. 108. The common council shall have power to regulate the time and manner of working upon the streets, avenues, and alleys of said city, to prevent the obstruction or incumbering of the streets, avenues, alleys, or sidewalks, or public grounds of said city; to lay out, open, make, grade, and repair streets, avenues, alleys, and to alter, widen, or vacate those already laid out.

SEWERS AND DRAINS.

Establishment and construction of.

SEC. 109. The common council of said city may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations, as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor, in the manner prescribed in this act for taking such property for public use. But in all cases where practicable, such sewers and drains shall be constructed in the public streets and grounds.

Board of sewer commissioners.

SEC. 110. The common council, whenever they shall deem it expedient, may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction, and may by ordinance prescribe their powers, terms of office, and duties.

Plan for drainage.

SEC. 111. Whenever it may be necessary, in the opinion of the common council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise or cause to be devised a plan of drainage for the whole city, or for such part thereof as they may determine. They may divide the city into main or special sewer districts, and may cause the expense of building any sewer or drain to be assessed on so much and such parts of the property located in any one or more sewer districts as they may deem to be benefited by such sewer or drain, or they may cause the same to be assessed on the property fronting on or adjoining to any such improvement, or they may cause a part of the expense of any such sewer to be assessed against the owner or owners of property fronting on or adjoining such improvement, and the balance to be paid out of any general sewer fund.

Division of city into districts.

Expense of building.

Diagram and estimate of cost of sewers to be built.

SEC. 112. Before proceeding to the construction of any sewer, the common council shall cause a diagram and plat of the district through which the same will run, showing the streets, lots, and subdivisions, and the proposed route and location of the sewer, the depth, grade, and dimensions thereof, and shall also procure an estimate of the costs thereof. And they shall give notice by publication for at least two weeks, in one of the newspapers of said city, of their intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the common council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Notice of intention to construct sewers.

Special assessments for sewers.

SEC. 113. Special assessments for the construction of sewers shall be made and collected in the manner provided in this act for making special assessments.

SEC. 114. When the owner of a majority of the lands liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, or the owners of lots or parts of lots along the line of a proposed sewer shall petition for the construction of a sewer, the common council may construct a sewer in such location, and a special sewer district may be formed for such purpose. In other cases sewers may be constructed in the discretion of the common council. The common council may charge and collect from persons whose premises are connected by private drains with the public sewers, such reasonable sum as they may deem just, and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Formation and construction of sewers and districts on petition.

Fee for connecting premises to public sewers by private drains.

SEC. 115. The common council may enact such ordinances as may be necessary for the protection, control, and regulation of the public drains or sewers, and to carry into effect the powers herein conferred in respect to the drainage of said city.

Protection and control of public sewers, etc.

SIDEWALKS.

SEC. 116. The common council shall have control of all the sidewalks in the public streets and alleys of said city, and may prescribe the width and grade thereof, and change the same whenever they shall deem it necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense of such sidewalks upon the lots and premises adjacent to and abutting upon such sidewalks.

Construction, etc., and expense thereof.

SEC. 117. The common council shall have authority to require the owners of lots and premises to construct and maintain sidewalks in the public streets adjoining to or fronting upon such lots and premises, and to keep them in repair at all times. They shall have power to pass all necessary ordinances with regard to the building, rebuilding, and keeping in repair all such sidewalks, and to prevent obstructions, incumbrances, or other nuisances upon such sidewalks.

Idem.

SEC. 118. The cost and expense of building, rebuilding, or repairing any sidewalk or crosswalk shall be a lien on and may be assessed on the premises fronting on or adjoining to said sidewalk; and such cost and expense may be recovered by the city in an action of assumpsit, as against the owner or owners of such premises.

Cost of construction a lien on the premises.

APPROPRIATION OF PRIVATE PROPERTY.

SEC. 119. The common council may appropriate private property for public use for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for construction of bridges; for public grounds, parks, market-places; for sewers, drains, ditches; for water-works, and for necessary public buildings, pest-houses, and public cemeteries. The common council may acquire such property by negotiations and purchase.

Purposes for which private property may be appropriated for public use.

Council may acquire by purchase.

SEC. 120. Whenever the common council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so declare by

Proceedings when seizure is necessary.

Selection of justice for impaneling jury.

resolution, describing the proposed improvement and each parcel of land designed to be taken, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of said city to whom an application will be made, at a time therein to be stated, but not less than one week from the date of the said resolution, for the impaneling of a jury, to ascertain the necessity of making said improvement, the necessity of using or taking private property for the making of said improvement, the just compensation to be made therefor.

Notice of application for jury.

SEC. 121. Upon the passage of such resolution, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three successive weeks in one of the public newspapers of said city, if personal service on all parties interested cannot be had, the first publication of which shall be at least thirty days before the time fixed for the application. A copy of said notice and resolution shall be served, personally, by the city marshal, or any of his deputies, at least two weeks before the time for said application, upon each owner or person interested in said lands, so far as known, or upon his, her, or their agent or representative; and if the owner of said premises shall not be found within the city or the county of Muskegon, a copy of said notice and resolution shall be posted on the premises to be taken, the same length of time. A return by the city marshal of the service or posting of copies of said notice and resolution, and an affidavit of the publication of said notice and resolution shall be filed with said justice, before or at the time of making said application. After the publication and service or posting of said notice, the owners and all persons interested in the lands sought to be taken for said improvement shall take notice of, and be bound by, all the subsequent proceedings, without further notice.

Service of.

Return by officer, when and where filed.

Effect of notice.

Impaneling of jury.

SEC. 122. At the time named in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal, or one of his deputies, or some constable of said city, to make a list of the names of twenty-four disinterested freeholders of said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands, their agent or attorney, shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal or any constable of said city, to summon the twelve persons whose names remain upon the said list, to appear before said justice at a time and place in said *venire* to be named, not less than two nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in the said resolution, and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the

city marshal, or any constable, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in such courts: *Provided*, That no freeholder shall be deemed to be disqualified to serve as a juror by reason of his general interest in the city at large.

Jury liable for non-attendance.

Proviso.

SEC. 123. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend, or if any shall be excused or set aside, the justice shall require the officer to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of making such proposed improvement, the necessity for taking lands and premises therefor, and the description of such lands and premises, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Completing panel of jury.

Right of challenge.

Oath of jurors.

SEC. 124. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the notice and resolution of the common council, and they shall then, or at such other time as the justice shall direct, proceed to examine the location of the proposed improvement, and the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in case of ordinary jury trials.

Copy of notice, etc., to be given to jury.

Jury to examine premises.

SEC. 125. The jury shall consider upon each parcel of land described in said resolution separately. If they shall find the proposed improvement necessary, and shall find it necessary to take lands for the purposes of said improvement, they shall determine and award the compensation to be paid therefor. In estimating such damage and compensation such jury may take into account all benefits resulting to the remainder of the premises from the proposed improvement, and award as compensation such sum only as shall remain after deducting said estimated benefits.

Determination and award by.

Benefits to be considered.

SEC. 126. The jury shall make a report of their determinations in writing, to be signed by each of them, and return the same to the justice within five days from the date of empaneling such jury, and the justice shall enter said report and all the proceedings had in the cause in his docket. If such jury shall fail to agree the justice may discharge them, and on motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall be thereupon had, and a new jury may in like manner be had as often as necessary.

Report of determination.

When new jury may be impaneled.

SEC. 127. Upon filing the report and award made by any jury with said justice, a copy thereof, certified to by such justice, shall be filed with the city recorder, and at any time within twenty days after the filing of said report, the justice, on the application of the city attorney, shall enter judgment of confirmation of the determination and awards therein made. Any such judgment of con-

Copy of report to be filed with recorder.

Judgment of confirmation.

- firmation shall be final and conclusive as to all parties not appealing therefrom within the time mentioned in the next section.
- Appeal to circuit court.** SEC. 128. Any party aggrieved by the judgment may, within ten days after the entry thereof, appeal therefrom to the circuit court of Muskegon county, by filing with the justice a claim of appeal in writing, in which he shall set forth in full the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond, with one or more sufficient sureties, to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in said circuit court; and shall pay to the justice three dollars for making his return to the appeal.
- Filing of transcript of docket, etc., with clerk of court.** SEC. 129. Within ten days from the time of filing said claim of appeal and bond, the said justice shall make and certify a return to said appeal, setting forth a transcript from his docket to [of] all the proceedings and the judgment of confirmation, and shall attach thereto copies of all notices, and all papers filed with him, together with the bond and claim of appeal, and shall file the same with the clerk of said circuit court.
- Jurisdiction of court.** SEC. 130. Upon filing the return of the justice, the circuit court shall have jurisdiction of the case, and upon the hearing thereof, shall first consider the errors alleged in said claim of appeal. If the proceedings are found invalid, the court may remand the case to said justice, and a new jury may be called and like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury, at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of making the proposed improvement, or of taking the land therefor, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.
- May remand case to justice.** SEC. 131. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of said city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the common council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to said city, otherwise the court shall award such costs to him as shall be just.
- When parties may proceed to trial.** SEC. 132. Certified copies of every judgment of confirmation of the circuit court, or of the justice of the peace after the same has become final, shall be filed with the recorder of said city and recorded in a book of records kept for that purpose, and when so recorded shall be presumptive evidence of the matters therein contained, and of the regularity of the proceedings to appropriate the property sought to be acquired and to confirm the same.
- Appeal of one person not to affect others.** SEC. 133. Within six months after the judgment of confirmation by the justice of the peace, or the circuit court, the common
- Judgment.**
- Costs.**
- Record and copies of judgment evidence of regularity of proceedings.**
- Payment of damages, etc.**

council may pay or tender to the persons named in such judgment the amount of damages and compensation awarded, out of the general highway funds of the ward, or they may cause the amount to be assessed against the owner or owners of the property benefited by said improvement, and described in the award of said jury, and pay the amount of such award out of the avails of said special assessment. Such special assessment shall be made in the manner described in this act for making special assessments.

SPECIAL ASSESSMENTS.

SEC. 134. The costs and expense of the following improvements, including the necessary lands therefor, viz: For public buildings and offices for the use of the city; engine houses and structures for the fire department; for water works, cemeteries, and parks, shall be paid from the proper contingent fund of the city. When, by the provisions of this act, the costs and expenses of any local public improvement may be defrayed in whole or in part by the special assessment upon lands fronting on and adjacent to, or otherwise benefited by the improvement, such assessment may be made in the manner hereinafter specified.

Certain improvements to be paid for from contingent fund.

Making of special assessments.

SEC. 135. For the purpose of making any special assessment, the common council may designate and appoint any one or more of the supervisors of said city, and the city surveyor, or they may designate and appoint any two or more disinterested freeholders of said city, who shall constitute a board of assessors. Before entering upon the discharge of their duties they shall make and file with the city recorder an oath faithfully and impartially to discharge their duties in making such assessment. The compensation of such assessors shall be fixed and paid by the common council.

Board of assessors.

Oath.

Compensation.

SEC. 136. Whenever the common council shall determine to make any necessary public improvement or repairs, and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or portion of the expense thereof shall be paid by special assessment, and what, if any, shall be paid from the highway fund of the ward or wards in which such contemplated improvement shall be located, or from the contingent fund of the city, and they shall also designate the district of lands and premises upon which the special assessment shall be levied.

Apportionment of expense of contemplated improvements.

SEC. 137. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the common council shall cause estimates of the expense thereof to be made and filed with the recorder, and they shall give notice thereof, and of the proposed improvement or work, and of the district to be assessed therefor, by publication in one of the newspapers of said city for at least two successive weeks, and of the time when the common council will meet and consider any objections thereto; if the owners of a majority of all the property to be assessed shall appear and object thereto, no such improvement shall be made. The cost and expense of any improvement shall include the cost of surveys, plans, assessments, and cost of con-

Estimate to be filed with recorder.

Notice of meeting to consider objections.

What costs and expenses shall include.

struction; all special assessments to defray the estimated cost of any improvement shall be levied before the making of such improvement.

Directions to board of assessors, as to special assessments.

SEC. 138. Whenever the common council shall, by resolution, direct any special assessment to be made, they shall direct the same to be made by the person or persons named in section one hundred and thirty-five of this act, and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises constituting the district to be assessed.

Assessment roll.

SEC. 139. Upon receiving such order and directions, the assessor or assessors named therein shall make out an assessment roll, entering and describing therein all the lots and premises and parts of lots to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the common council, and when such assessment is completed shall report the same to the common council.

Board to report completion to council.

Roll to be filed with recorder.

Notice of meeting to review assessment.

SEC. 140. When any such special assessment roll shall be reported by the assessors, the same shall be filed in the office of the recorder. Before adopting such assessment the common council shall cause notice to be published for at least two weeks, and in case any of the owners of property to be affected by such assessment are non-resident, for at least three weeks in some public newspaper of the city, of the filing of said assessment roll with the city recorder, and appointing a time when the common council and assessors will meet to review the assessment. Any person objecting to such assessment may file his objection thereto, in writing, with the recorder.

Objections filed with recorder.

Review, correction, and disposition of roll.

SEC. 141. At the time appointed for that purpose, as aforesaid, the common council and the assessors shall meet, and then or at some adjourned meeting review the assessment and consider any objections made thereto; and the common council shall correct the same if necessary, and confirm it as reported, or as corrected; or they may refer the assessment back to the assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the recorder shall indorse a certificate thereof upon the roll, showing the date of confirmation.

Certificate of date of confirmation.

Assessments a lien.

SEC. 142. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Division into installments.

SEC. 143. Upon the confirmation of any special assessment the amount thereof may be divided into not more than four installments, to be collected quarter-yearly, or one of such installments may be collected each year, at such time as the common council may determine, with annual interest at a rate not exceeding ten per cent.

SEC. 144. All special assessments, except such installments thereof as the common council shall make payable at a future time, as provided in the preceding section, shall be due and payable on confirmation.

What portion due upon confirmation.

SEC. 145. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special assessment rolls may be made and confirmed without notice to the persons assessed.

Special assessment roll for each installment.

SEC. 146. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the common council may, within the limitations prescribed for such assessment, make an additional *pro rata* assessment, to supply such deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Additional assessment in case of a deficiency.

Surplus refunded.

SEC. 147. Whenever any special assessment shall, in the opinion of the common council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the common council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. Whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises; and the reassessment shall to that extent be deemed satisfied.

New assessment to be made in case of irregularity, etc.

Sums paid and not refunded, how applied.

SEC. 148. Whenever any special assessment roll shall be confirmed and be payable, the common council may direct the city recorder to report to the supervisor of each ward in which any of the lots and premises assessed in such roll are located, a description of such lots and premises, with the amount of the assessment levied upon each, and the name of the owner or owners against whom the assessment was made, and requiring such supervisors to levy the several sums so assessed, as a tax upon the several lots and premises, to which they were assessed respectively. Upon receiving said report the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the ward tax roll next thereafter to be made, in a column for special assessments; and thereupon the amount so levied in said ward tax-roll shall be collected and enforced with the other taxes in the ward tax-roll, and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

Payable assessments may be reported to ward supervisors.

Levy of sum assessed, by supervisor.

SEC. 149. Whenever any special assessment shall be confirmed and be payable, the common council, instead of requiring such assessment to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in

Council may order a direct collection of such assessment by city marshal.

the special assessment roll to be collected directly therefrom; and thereupon the mayor shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city marshal to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and that he pay the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant.

Marshal to collect.

Notice of receipt of roll.

Seizure and sale of goods.

Disposition of proceeds.

Costs of sale.

Disposition of money by marshal, and return of roll and warrant.

Warrant may be renewed.

Assessments finally returned unpaid may be re-assessed with interest.

SEC. 150. Upon receiving such assessment roll and warrant, the city marshal shall proceed to collect the amounts assessed therein, adding one per cent to such amounts as shall be paid to him at any time within thirty days after such roll shall come to his hands for collection, and four per cent on all amounts which shall not be paid within said thirty days. The city marshal shall give public notice by publication of the time when such roll shall come to his hands. If any person shall neglect or refuse to pay his assessment upon demand, the city marshal shall seize and levy upon any personal property found within the city belonging to such person, and not by law exempt from execution, and sell the same at public auction, giving six days' notice of the time and place of such sale, as in sales of personal property by constables on executions from justices courts. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of the assessment, for the costs and expenses of such seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

SEC. 151. The city marshal shall pay the moneys collected by him (retaining the percentage for his fees) into the city treasury, and take the treasurer's receipt therefor, and file the same with the recorder. He shall also make return of said assessment roll and warrant to the recorder, according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the marshal shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, a description of the lot and premises upon which the assessments remain unpaid, and the amount unpaid on each.

SEC. 152. Such warrant may be renewed from time to time by the recorder, if the common council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city marshal shall perform the same duties, and make the like returns as above provided. In case any assessment shall be finally returned by the city marshal unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward, in the manner provided in section one hundred and forty-eight, and shall then be reassessed with interest included, at the rate of ten per cent per annum, in the next ward tax-roll, and shall be collected and paid in all respects as

provided in said section, or such premises may be sold to pay such assessment in the manner hereinafter set forth.

SALE OF LANDS FOR SPECIAL ASSESSMENTS.

SEC. 153. Within thirty days after the return of such list of unpaid special assessments the common council may, by resolution, direct the recorder, and said recorder shall thereupon cause said list to be inserted in a newspaper printed in said city, together with a notice that the real estate therein described will be exposed for sale in separate parcels at public auction, on a day not less than thirty days from the first publication of such notice, to be stated in such notice, at the court-house in the city of Muskegon, and that the same will be sold to the highest bidder for the purpose of collecting such assessment and interest thereon, and fifty cents for the costs of selling each lot in addition to the cost of advertising, which costs of advertising shall not exceed fifty cents for each parcel. Such notice shall be published at least once in each week during the time. Such sale may be postponed by the marshal from time to time by public proclamation made at the time and place of sale, and by inserting notice of such postponement in the paper containing, and next under, said notice of sale. If for any cause such sale shall not take place at the time in said notice specified, or at the time to which it may have been postponed, the common council may direct the recorder to re-advertise and sell said real estate in manner and form as aforesaid.

Publication of list of unpaid assessments, and notice of sale.

Cost of advertising. Postponement of sale.

Re-advertisement in case sale shall not take place.

SEC. 154. The city marshal shall attend such sale and sell the premises, but in case of his absence or inability to attend, the mayor may appoint any of his deputies to act in place of the marshal. The recorder shall also attend such sale, and enter in a book to be provided for that purpose, all the particulars of such sale, and shall make out and deliver to each purchaser a certificate of his purchase, and stating that such purchaser will be entitled to a deed of the real estate therein described at the expiration of one year unless the same shall be redeemed. The recorder shall receive the amount of the assessment, with interest and costs, if paid or tendered at any time before sale, and shall pay such amount to the city treasurer, taking his receipt therefor.

Sale of land, issue of certificate, etc.

SEC. 155. In case no person shall bid at said sale, the amount of the assessments and costs, the same shall be struck off to the city of Muskegon, and the recorder shall thereupon certify to the common council a statement of the parcels so struck off to the city, and the common council shall order the said assessment for which such parcels were struck off to said city to be paid out of the general or contingent fund.

When lands shall be struck off to city.

SEC. 156. All lands sold for taxes or assessments shall be sold to the highest bidder: *Provided*, That no bid shall be received for a less amount than the assessment, with interest and all costs and expense up to the time of such sale. In case a greater amount is bid, the surplus shall be deposited with the city treasurer for the benefit of the person entitled thereto. Upon application of any person or persons to the common council, and upon satisfactory

Manner of selling.

Surplus, how disposed of.

proof of the ownership of any surplus moneys so paid on such sales, the common council shall order a warrant to be drawn upon the treasurer in favor of such claimant, for the amount of such surplus.

Redemption.

SEC. 157. Any lands sold under the provisions of this act for any unpaid assessment, or any distinct parcel thereof, may be redeemed at any time within one year after the date of the sale of the same, by paying to the recorder the amount for which it was sold, with interest on the same from the date of the sale to the time of redemption, at the rate of twenty-five per centum per annum, and the recorder shall keep a record of said redemption. In

Conveyance.

case said lands shall not be redeemed as aforesaid, it shall be the duty of the mayor of said city, on presentation of the certificate of purchase, to execute and deliver to the purchaser, or to the assignee of any such certificate of purchase, a deed of the premises in the form to be prescribed by the common council, which deed shall be acknowledged as other conveyances, and when executed, acknowledged, and delivered, shall vest the fee of the land in the purchaser or his assignee, and such deed shall be deemed and taken to be *prima facie* evidence of the existence and regularity of all such prior proceedings as might otherwise be required to be proven in order to establish a title in the purchasers.

Deed, evidence of regularity of proceedings.

MISCELLANEOUS.

Detailed statement of receipts and disbursements, when made, etc.

SEC. 158. The common council shall, in the month of March of each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, and it shall also specify all appropriation made by the common council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and filed in the recorder's office, and a copy thereof shall be published in a newspaper printed in said city for at least two weeks.

The aldermen shall constitute a board of registration.

SEC. 159. The aldermen of each ward shall constitute a board of registration for said wards respectively. In case any alderman may be absent or unable to attend any meeting of the board of registration, the other members of said board may choose a competent elector of said ward to act as a member of said board. The time of the day the board shall be in session, the mode of proceeding at said meetings, and all laws relating to registration of electors, the use of such register when completed, and not inconsistent with the provisions of this act, are hereby declared to be in full force and effect in relation to the proceedings at said meetings of said board. That if the length of time for giving notice of registration, and of the election to be held on the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-five, shall not be such as is required by law, that such registration and election shall not, for that reason, be deemed illegal, if such notices are regular in other respects.

Laws, etc., relative to registration.

Disposition of fines, etc.

SEC. 160. All moneys received by said city for fines, penalties, and forfeitures, shall be disposed of as the common council may

direct, and they shall have power to remit any fines or penalties imposed under any of the ordinances of said city.

SEC. 161. The chairman of, and committee or special committee of the common council, shall have power to administer any oath, or take any affidavit in respect to any matter pending before the common council or such committee. Chairman of any committee may administer oaths, etc.

SEC. 162. The legal ordinances, rules, and regulations of said city of Muskegon, and not inconsistent with the provisions of this act at the time said act shall take effect, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city. Ordinances, rules, etc., continued in full force.

SEC. 163. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Acts repealed.

SEC. 164. This act shall take immediate effect.

Approved April 1, 1875.

[No. 299.]

AN ACT to authorize the common council of the city of Flint to levy and assess taxes for the purpose of paying its bonded indebtedness.

SECTION 1. *The People of the State of Michigan enact, That* the common council of the city of Flint, at the time of raising the tax for defraying the general expenses and liabilities of the city for the year eighteen hundred and seventy-five, and each year thereafter, are hereby authorized, in their discretion, to ascertain the amount of principal or interest which has or shall have become due upon the bonds or obligations issued by said city and loaned to the Port Huron and Lake Michigan Railroad Company by authority of an act of the legislature of said State, entitled "An act to authorize any of the townships and cities of the counties of St. Clair, Lapeer, Genesee, and Shiawassee to pledge their credit in aid of the construction of a railroad from Port Huron to some point on the Detroit and Milwaukee Railroad in Shiawassee county," approved March eighteen, eighteen hundred and sixty-five, or which shall become due within one year next after the time of raising said general tax, or upon any judgment which shall have been recovered against said city upon any action founded upon any of said bonds or obligations; and to cause said amounts, in addition to the amounts now authorized to be raised, to be raised annually hereafter by tax upon the real and personal property within said city, and to place the same in the general roll of said city in a separate column; and which said tax shall be levied, assessed, and collected in the same manner as other general city taxes: *Provided, however,* That no part of said amounts by this act authorized to be raised shall be levied upon any lands added to said city by act number two hundred and twenty-eight of the legislature of this State, approved March eighteenth, eighteen hundred and seventy-one. And in case any assessment roll shall embrace any par-

Common council authorized to assess taxes to pay bonded indebtedness of city.

Proviso.

cel of land a part of which shall lie in the territory so added to said city, it shall be the duty of the supervisor making the assessment to so divide said parcel in his valuation that said tax may be levied upon that portion thereof lying within the limits of said city before the passage of said act.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1875.

[No. 300.]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to revise and amend the charter of the city of Saginaw, approved February fifth, eighteen hundred and fifty-nine,'" approved March twenty-seventh, eighteen hundred and sixty-seven, as amended by act number three hundred and five of the session laws of eighteen hundred and sixty-nine, and by act number two hundred and twenty-four of the session laws of eighteen hundred and seventy-one, and by act number two hundred and sixteen of the session laws of eighteen hundred and seventy-three, and to add six new sections thereto.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seven, twenty, forty-two, forty-three, forty-seven, forty-eight, and fifty-four of "An act to amend an act to revise and amend the charter of the city of Saginaw, approved February fifth, eighteen hundred and fifty-nine," approved March twenty-seventh, eighteen hundred and sixty-seven, as amended in eighteen hundred and sixty-nine, eighteen hundred and seventy-one, and eighteen hundred and seventy-three, be so amended as to read as follows:

Common council, who to constitute.
Quorum.

SEC. 7. The mayor, recorder, and alderman [aldermen,] when assembled together and organized, shall constitute the common council of the city of Saginaw; and a majority of the aldermen elect, with the mayor or recorder, shall be necessary to constitute a quorum for the transaction of business, and the common council may be summoned to hold its meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint; the common council shall have power to send for and compel the attendance of any of its members, and to impose, levy, and collect such fines as it may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the

Attendance of members.

Mayor to preside at meetings, etc.
Record of proceedings.

President pro tem.

Right of members to vote.

Provide.

same. The mayor shall preside at all meetings of the common council, and shall have the right to vote upon all questions. The recorder shall keep a record of the proceedings of the common council. In the absence of the mayor or recorder from any meeting, the members present may appoint a president or recorder *pro tem.*, from among its members. No member of the common council shall be allowed to vote upon any question in which he has a direct personal interest, but upon all other questions he shall vote: *Provided*, That the recorder shall vote only in the absence of the mayor. A less number than a quorum may adjourn a meeting of

the common council, and no business or proceeding set down or noticed for any special, regular, or adjourned meeting shall lapse, fail, or become invalid by reason of a failure to hold such meeting, but the same shall go over to the next regular or adjourned meeting. No ordinance imposing a fine or penalty, and no ordinance, resolution, or vote of the common council, appropriating or creating the liability to pay money, or conferring upon any person, corporation, or company any special franchises or privileges, or providing for any improvements, shall have any force or effect if on the day of its passage, or the next day thereafter, the mayor, or other officer legally discharging the duties of mayor, shall lodge in the office of the recorder a notice, in writing, suspending the immediate operation of such ordinance, resolution, or vote; if the mayor, or other officer legally exercising the office of mayor, shall, before the next regular meeting of the common council after the passage of such ordinance, resolution, or vote, lodge in the office of the recorder his reasons, in writing, why the same shall not go into effect, the same shall not go into effect nor have any legal operation, unless it shall at a subsequent meeting of the common council be passed by a vote of two-thirds of all the members elect of the common council, exclusive of the mayor, or other officer legally discharging the duties of mayor, and if so re-passed shall go into effect according to the terms thereof; if such reasons, in writing, shall not be lodged with the recorder as above provided, such ordinance, resolution, or vote, shall have the same operation and effect as if no notice suspending the same had been lodged with the recorder; and no such ordinance, resolution, or vote of the common council shall go into effect or operation until after the expiration of one day after the day of its passage, unless the mayor, or other officer legally acting in the place of the mayor, shall vote in favor of the adoption of the same. It shall be the duty of the recorder to communicate to the common council at the next meeting thereof any paper that may be lodged with him as in this section provided.

Business not to lapse by failure to hold meeting.

Veto of ordinances.

Passage of same over veto.

Ordinances not voted for by mayor, when to go into effect.

Duty of recorder to communicate with council.

SEC. 20. The common council shall have the power to grant the right of way through any of the streets of said city, to railway companies, by a two-thirds vote of said council; to cause the streets, lanes, and alleys to be paved, planked, graveled, and lighted, and to cause the expense of making, grading, paving, planking, graveling, lighting, and opening streets, lanes, and alleys, and of making, grading, paving, and planking sidewalks, and of making drains and sewers, and other local improvements, to be assessed against the owners or occupants of the lots or premises which are in front of or adjoining such improvements, and against the owners or occupants of any other lots or premises which in the opinion of the common council are benefited thereby, or by general tax, as it may deem just and proper, and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting such tax, with such fees for collecting the same as shall be provided in such ordinances, which collection fees shall be added in making such assessments and be a part

Right of way of railroads through streets.

Paving, grading, etc., of streets.

Costs to be assessed on lots benefited.

Manner of collecting same.

Sale of personal property to pay assessments.

Real estate subject to lien for amount of assessment.

Interest and charges.

Sale, redemption, and conveyance.

Vacation of invalid assessments.

Re-assessments.

Provisions applicable to re-assessments.

Time for completion of assessment roll.

thereof; and the common council may, by such by-laws and ordinances, provide for the sale of the personal property of the person or persons so assessed, to pay such assessment, and that the real estate, lots, or premises in front of or adjoining such improvements, and the lots or premises which in the opinion of the common council are benefited thereby, shall be and remain subject to a lien thereon for the amount of such assessment, and may be sold to pay the same, and the common council may by such by-laws or ordinances provide for the payment of interest on such assessment or tax as shall be returned unpaid, at a rate not exceeding twenty-five per cent per annum, and such charges of advertising and selling the same, as to the common council shall seem just, which interest and charges shall be a lien on said lots and premises, to the same extent as said original assessment, and may provide for the sale, redemption, and conveyance of all lands, lots, and premises upon which such tax or assessments, interest, and charges shall not be paid, in the manner and within the time fixed by such by-laws or ordinances, and such deed of conveyance, executed and delivered pursuant to such by-laws or ordinances, shall be *prima facie* evidence of the regularity of all proceedings required prior to and including its execution, and of title in fee in the grantee therein named. And whenever any special assessment made for any of the purposes mentioned in this section, or for any other public work or improvement, shall in the opinion of the common council be invalid, said council may vacate and set the same aside; and when any special assessment, or any reassessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made for the purpose for which the original assessment was made. Such new assessment shall be made in the manner provided for making original assessments of like nature, in force at the time when such assessment should be made, and when the tax, or any part thereof assessed as aforesaid by the original assessment set aside, or so held invalid as aforesaid, has been paid, and has not been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the reassessment, and to make a minute thereof upon the new assessment roll, and such reassessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter, by-laws, and ordinances of said city making special assessments a lien upon the lots, parcels, and premises embraced therein, and also those relative to the levying and collecting of special assessments and sale of property therefor, shall apply to reassessments made under this section. The provisions of this section shall apply to assessments heretofore made, as well as to those which shall be hereafter made.

SEC. 42. The comptroller of said city shall complete his assessment of all taxable property in said city on or before the fourth Monday in June, and upon the completion thereof shall file a notice of said completion with the recorder, who shall report the same to the common council at its next meeting.

SEC. 43. The comptroller, city attorney, city treasurer, and two tax-paying citizens, appointed by the mayor and approved by the common council, shall constitute a board of review, four of whom shall constitute a quorum. They shall have the power and it shall be their duty to examine said assessment, and correct any errors found therein, and on cause shown, to reduce, equalize, or increase the valuation of any property found in said roll, and to add thereto any taxable property in said city that may have been omitted, and to value the same. The assessment roll of said city shall be open for the inspection of any tax-payer of said city, from the time of its completion till the meeting of said board of review. And whenever said board shall decide to increase the valuation of any property on said roll, as fixed by the comptroller, and the owner thereof or person to whom the same shall be assessed shall not appear before said board during its session, said board shall cause a notice to be published in some newspaper published in said city, at least two weeks, directed to the several persons to whom such property is assessed, stating that it is the intention of said board, at a time and place to be named in such notice, to increase the valuation of the property assessed to the persons whose names appear in said notice, to which time and place said board may adjourn, and at said adjourned meeting may make such increase in the valuation of such property as it may deem just. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by the common council at least two weeks prior to the meeting, by publishing a notice thereof in some newspaper published in said city; and also by posting the same in three public places in each ward of said city; and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do may examine his or her assessment on said rolls, and may show cause, if any, why the valuation thereof should be changed; and the said board shall decide the same, and their decision shall be final. And the said board shall keep a record of their proceedings and all changes made by them in said rolls; and their record shall be deposited with the recorder.

Board of review.

Correction of roll.

Roll to be open for inspection.

Increase of valuation of property as fixed by comptroller, etc.

Meeting of board to correct roll.

Record of proceedings.

Taxes a lien.

General laws to apply.

Compensation for collecting taxes.

SEC. 47. The taxes so levied shall be and remain a lien upon the property on which the same was levied, in the same cases, to the same extent, and in like manner, as taxes required by law to be levied on property in the several townships in this State are liens upon such property; and all provisions of law relating to the collection of taxes and to the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the collection of such taxes, and to the return and sale of property for the non-payment of such taxes of said city, except as herein otherwise provided.

SEC. 48. For the collection of all such taxes, the city treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council by ordinance, not exceeding three per centum upon the sum to

- Proviso.** be collected, which sum shall be added in the computation of taxes on said tax roll of said city: *Provided*, That on all taxes paid during the first thirty days after said tax roll shall be delivered to said treasurer or collector, there shall be deducted all collection fees beyond one per cent which shall be in full compensation for collecting all taxes so paid, and the said treasurer, or other person appointed to collect taxes, shall remain in his office during ordinary business hours for the said thirty days and receive such taxes as may be offered; and immediately upon receiving such tax roll, he shall give public notice of the time and place at which he will receive such taxes, by publishing the same in some newspaper published in said city at least two weeks, and by posting said notices in at least five public places in each ward of said city; and all such taxes shall be payable at the place so designated.
- Notice of time and place at which taxes will be received.** SEC. 54. The city attorney shall appear in and conduct all suits, prosecutions, and proceedings in any court to which the city of Saginaw is a party, to the end thereof, subject to the rules and practices of such court; and if the same be removed to any other tribunal by writ of error, *habeas corpus*, or otherwise, he shall conduct the same before such tribunal, and shall perform such duties, as attorney, as the common council may require. He shall have a seat in, and attend the sessions of the common council, and may discuss all questions and matters which may come before said council, but shall have no vote therein.
- City attorney, duties of.** SEC. 2. That said act be amended by adding thereto six new sections, to stand as sections ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, and ninety-seven of said act, to read as follows:
- Section added.** SEC. 92. The common council may construct, grade, gravel, plank, or repair any street, road, or highway within or without the corporate limits of the city, leading to the burying ground or cemetery owned by it, and may join with the township of Saginaw in the construction, grading, graveling, planking, or repairing, from time to time, of any such road or highway without the limits of said city, leading to such burying ground or cemetery, on such terms and conditions as may be agreed upon with the township board of said township, and may contract with the Saginaw and Gratiot Plank Road Company to keep in repair that part of its road lying between the city and said cemetery.
- Construction, etc., of road leading to cemetery.** SEC. 93. The common council may, in its discretion, authorize the comptroller to attend the annual tax sales held in the county of Saginaw, and bid in, in the name of the city of Saginaw, all descriptions of property lying within the corporate limits of said city known as State tax lands, which have remained unsold for five years or more from the time such lands were bid off to the State, under the general tax law of this State, which lands so bid in for the city shall be liable to taxation the same as if they were not the property of the city, and such tax shall be a lien on the land, and the city shall have the same right to take any proceedings in law or equity given to individuals to quiet title in cases provided for in the general laws of this State, and provided for the sale and con-
- Purchase of State tax lands by city at annual tax sales, etc.**

veyance thereof, and all deeds of conveyance made of such lands, pursuant to the order or direction of the common council, or ordinance of said city, shall be *prima facie* evidence of the regularity of all proceedings prior to and including such deed, and of title in fee in the lands therein described.

SEC. 94. No plat of lands within the limits of the city, executed as a subdivision thereof, or addition to said city, for the purpose of being recorded in the office of the register of deeds, shall be entitled to record without the approval of the common council, and a copy of the resolution containing such approval, certified by the recorder under the seal of said city, endorsed thereon. A copy of such plat shall also be filed with the comptroller of said city.

Plats of subdivisions, when entitled to record.

SEC. 95. The common council shall have power by ordinance adopted by a vote of two-thirds of all the alderman [aldermen] elect, and approved by the mayor, to create and provide for a board of sewer commissioners, and from time to time to fix and prescribe the powers and duties of such board.

Copy of, to be filed with comptroller.

Sewer commissioners, council may appoint board of.

SEC. 96. The common council shall have power, by a two-thirds vote of all the alderman [aldermen] elect, to enter into a contract with any bank, banker, or bankers, doing business in the city of Saginaw, to receive on deposit and pay interest on any money in the city treasury belonging to the city, and to receive from any such bank, banker, or bankers such security by way of bond, or otherwise, for the safe keeping and prompt paying over such money, and the interest thereon, on the order of the city treasurer, as the common council may by resolution, adopted by a two-thirds vote of all the alderman [aldermen] elect demand and approve, and such contract being made and filed with the recorder, and the security for the faithful performance thereof being approved and filed with the recorder, and such contract and security entered and recorded at length upon the journal of the common council in the proceedings of the meeting at which the security was approved, the common council shall have power, by resolution, to direct the city treasurer to deposit with such bank, banker, or bankers all money of the city in, and thereafter coming into his hands, during the time fixed in such contract. And the city treasurer and his bondsmen [bondsmen] shall not be liable for any loss the city may sustain from or by reason of any defalcation of such bank, banker, or bankers. In any contract for the deposit of the city funds, made in pursuance of the authority herein given, the common council shall reserve the right to terminate the same and to withdraw such deposits, and remit the same to the custody of the city treasurer, at its pleasure, by a two-thirds vote of all the alderman [aldermen] elect. Money so deposited shall be drawn only on the order of the city treasurer, and he shall draw the same only when he is authorized to pay the same according to the provisions of section fifty of this charter, or directed by the common council to withdraw such deposits in the manner above provided.

Deposit of money belonging to city.

SEC. 3. This act shall take immediate effect.

Approved April 1, 1875.

[No. 301.]

AN ACT to re-incorporate the city of Lapeer.

CHAPTER I.

[INCORPORATION—CITY AND WARD BOUNDARIES.]

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That the following territory, to-wit: The west half of section four, entire sections five and six, the north half of sections seven and eight, the northwest quarter of section nine, in town seven north, of range ten east, and the southeast quarter of section thirty-one, the south half of section thirty-two, and the southwest quarter of section thirty-three, in town eight north, of range ten east, in the county of Lapeer, be and the same is hereby set off from the townships of Lapeer and Mayfield, and declared to be a city by the name of

Corporate name.

“The city of Lapeer,” by which name it shall be hereafter known and by that name may sue and be sued, implead and be impleaded, prosecute and defend in all the courts of this State; may have a common seal and alter the same at pleasure, and may take, hold, purchase, lease, convey, and dispose of any personal or real or mixed estate for the use of said corporation.

Wards.

First ward.

SEC. 2. The said city shall be divided into four wards. The first ward shall be bounded as follows: Commencing at the northeast corner of said city, and thence south on the east boundary of the city to the township line between townships seven and eight, thence west on the township line and Mill street to Saginaw street, thence southerly along the center of Saginaw street to the center of Neppessing street, thence westerly along the centre of Neppessing street to quarter line of section five, thence north on the quarter line of sections five and thirty-two to the north line of the city, thence east on the north line of the city to the place of beginning.

Second ward.

The second ward shall be bounded as follows: Commencing at the northwest corner of said city, thence south on the west boundary of the city to the township line between townships seven and eight, thence west to the northwest corner of section six, thence south on the west line of the city to the quarter post on the west side of said section six, thence east on the quarter line to the center of Main street, thence north on the center of Main street to Franklin avenue, thence easterly on the center of Franklin avenue to the quarter line of section five, thence north on the quarter lines of sections five and thirty-two to the north line of said city, thence west on the north line of the city to the place of beginning.

Third ward.

The third ward shall be bounded as follows: On the north by the second ward, on the east by the quarter lines of sections five and

Fourth ward.

eight, on the south and west by the south and west lines of the city. The fourth ward shall be bounded on the north by the first ward, on the west by the third ward, on the south and east by the south and east lines of the city.

CHAPTER II.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of the city incorporated under this act, having the qualifications of electors under the constitution of the State, and no others, shall be electors therein. Who deemed to be electors.

SEC. 2. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals. Where entitled to vote.

REGISTRATION.

SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary of any ward, or the formation of a new ward, or other cause, there shall not be any or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward. Board of registration.

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change. Registration in case of change of ward boundaries.

SEC. 5. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board. Registration in new wards.

SEC. 6. The boards of registration, at their sessions previous to the general election in November, in the year one thousand eight hundred and seventy-six, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of in cities; and a like registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year eighteen hundred and eighty, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is Re-registration to be made in fall of 1876, and every four years thereafter. New register to supersede old one. Notice.

required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

CHAPTER III.

OFFICERS.

- Elective offices.** SECTION 1. The following city officers shall be elected, viz.: a mayor, city clerk, city treasurer, city collector, street commissioner, and four justices of the peace, and in each supervisor district one supervisor shall be elected, and in each ward two aldermen and a constable shall be elected.
- Supervisor's districts.** SEC. 2. The first and second wards of said city shall constitute the first supervisor district; the third and fourth wards shall constitute the second supervisor district.
- Appointed officers.** SEC. 3. The following officers shall be appointed by the council, viz.: a city marshal, a city attorney, city surveyor, engineer of fire department, and three school inspectors. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.
- Time of making appointments.** SEC. 4. Appointments to office by the council, except appointments to fill vacancies, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council.
- Officers to be elected at first election.** SEC. 5. At the first election held in said city incorporated under this act, four justices of the peace and three school inspectors shall be elected; also, two aldermen in each ward, one supervisor in each supervisor district: *Provided*, That all justices of the peace, school inspectors, and aldermen elected under the former corporation shall continue in office for the term for which they were elected; and at such first election such number of justices of the peace, school inspectors, and aldermen only shall be elected, as with those continuing in office as aforesaid shall make the requisite number of those officers as required by this act; and the terms of the justices, school inspectors, and aldermen first elected as aforesaid, shall be so arranged that one justice of the peace for the city and one alderman for each ward shall be elected annually thereafter.
- Provide—continuance in office of old officers, etc.**
- Term of office of certain officers.** SEC. 6. The mayor, city clerk, city treasurer, city collector, street commissioner, supervisors, and constables, shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.
- Election of justices of the peace and terms of office.** SEC. 7. The justices of the peace elected at the first city election, except as provided in section five of this chapter, shall hold their offices, one for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four

years from the fourth day of July next after such election. The term for which each is elected shall be designated upon the ballots cast for him. After the first election one justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

SEC. 8. The school inspectors elected at the first election shall be elected one for the term of one year, one for the term of two years, and one for the term of three years from the first Monday in April of the year when elected. The term of office for which each is elected shall be designated on the ballots cast for him. After the first election, one school inspector shall be elected annually for the term of three years from the first Monday in April of the year when elected, and until his successor is qualified and enters upon the duties of his office, except as provided in section five of this chapter.

Election of school inspectors, and terms of office.

SEC. 9. At the first election of aldermen in the wards one alderman shall be elected in each ward for the term of one year, and one for the term of two years, except as otherwise provided in section five of this chapter. The term of each shall be designated on the ballots cast for him. After the first election, one alderman shall be elected annually in each year, for the term of two years from the first Monday in April in the year when elected, and until his successor shall be qualified and enters upon the duties of his office.

Election of aldermen and terms of office.

SEC. 10. One school inspector shall be appointed by the council annually, who shall hold his office for the term of three years from the first Monday in May in the year when appointed, and until his successor shall be qualified and enters upon the duties of his office.

Appointment of school inspectors, term of office, etc.

SEC. 11. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office.

Terms of all other appointed officers except those to fill vacancies in elective offices.

SEC. 12. A school inspector, appointed by the council to fill a vacancy in the office of an elective inspector, shall hold the office only until the next annual city election. In all other cases any officer appointed or elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred.

Terms of officers elected or appointed to fill vacancies.

SEC. 13. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security (if any) required for the performance of the duties of the office.

When officers to enter upon their duties.

QUALIFICATIONS, OATH, AND BOND OF OFFICE.

SEC. 14. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for

Eligibility to office.

a ward, or supervisor district, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Oath of office of justices of the peace.

SEC. 15. Justices of the peace elected in any city shall take and file an oath of office with the county clerk of the county in which the city is located, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

Of all other officers.

Bond of justice of the peace.

SEC. 16. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by, the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond or security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Penalty for entering upon official duty previous to filing oath and bond.

Oath and bond of other officers.

Bond of clerk.

Power of council to require new bonds.

SEC. 17. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

VACANCIES IN OFFICE.

Resignations.

SEC. 18. Resignations of officers shall be made to the council subject to their approval and acceptance.

Offices vacated by change of residence and by default.

SEC. 19. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

When office may be declared vacant by council.

SEC. 20. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office,

within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

SEC. 21. A vacancy in the office of mayor, or of any alderman occurring more than ninety days before an annual city election, shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of justice of the peace, shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment by the council, within twenty days after the vacancy occurs, or if the vacancy be in an elective office it may be filled by an election or an appointment, in the discretion of the council.

Filling of vacancies.

SEC. 22. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Liability of officers and sureties.

SEC. 23. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Delivery of books, moneys, etc., to successor.

Violation a misdemeanor.

CHAPTER IV.

ELECTIONS.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate.

Annual election.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such time and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Special elections.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Notice of special election.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the

Time and manner of giving election notices.

city clerk, at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot-boxes of the kind required by law to be kept and used in townships.

Opening and closing of polls.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

Inspectors of election.

SEC. 7. The two aldermen of each ward, and one elector appointed by the council, shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, *viva voce*, such number of such electors as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

Chairman and clerk of board.

SEC. 8. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or, when necessary, the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Oath of office.

Duties of inspectors.

SEC. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county, and district elections in their respective wards.

Manner of conducting elections.

SEC. 10. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Ballots.

SEC. 11. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city,

and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon, shall be separate, and be deposited in a separate box.

SEC. 12. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill the same shall be designated on the ballot. Ballots for vacancies.

SEC. 13. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write, or cause to be written, the name of each elector voting at such elections, in two poll lists, to be kept by said inspectors of elections, or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors. Polling of ballots. Poll list.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll-lists and the register of electors and the boxes containing said ballots, in the office of the city clerk. Canvass by inspectors, statement of result, and certificate. To be deposited with city clerk.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections. Canvass the same as at general elections.

SEC. 16. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk. Determination of result of election by council. Certificate.

SEC. 17. The person receiving the greatest number of votes for any office in the city or ward shall be deemed to have been duly elected to such office; and if there shall be no choice for any office Tie to be determined by lot.

by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Notice to persons elected or appointed.

SEC. 18. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of such appointment.

Clerk to report neglect of officers to file oath and bond.

SEC. 19. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the council the names of the persons, elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

CHAPTER V.

DUTIES AND COMPENSATION OF OFFICERS—THE MAYOR.

Duties of mayor.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws regulating the city, and the ordinances and regulations of the council are enforced.

Conservator of the peace.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Power of removal or suspension.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employe, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Mayor pro tempore.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

ALDERMEN.

Duties of aldermen, etc.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

CITY CLERK.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Duties of city clerk.

SEC. 7. The city clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Duties of clerk in relation to claims against the city.

To report amount of tax, etc., to treasurer.

SEC. 8. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

Further duties of city clerk.

SEC. 9. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

Financial report, etc.

CITY TREASURER.

Duties of city treasurer.

SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk or comptroller, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the clerk or comptroller.

Monthly report.

SEC. 11. The treasurer shall render to the clerk or comptroller on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually, on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk or comptroller, and shall be published in one of the newspapers of the city.

Annual report.

Publication of same.

Treasurer's receipt.

SEC. 12. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk or comptroller with his monthly report.

Treasurer to have custody of the school funds.

SEC. 13. The city treasurer shall be the treasurer of the school district designated in this act as the "public schools of the city," and shall have the custody of the funds belonging to and receivable by such district from all sources, for school, library, and school-house purposes. He shall receive from the county treasurer, for the use of such district, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of edu-

Duties in relation thereto.

cation shall prescribe. Before entering upon the duties of his office, either as city treasurer or treasurer of the public schools, the said city treasurer shall give bond to the public schools of the city in such sum and with such sureties as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties, as said board may require.

To give bond to public school.

SEC. 14. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit, or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

Not to use public money for private use.

CITY MARSHAL.

SEC. 15. The city marshal shall be the chief of the police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all processes directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere within the State.

Powers and duties of marshal as peace officer.

SEC. 16. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

Idem.

SEC. 17. The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless, otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

Marshal's report.

Monthly payment of moneys received.

Fees.

SEC. 18. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or paid by the city.

CITY ATTORNEY.**Adviser and solicitor for council and city.**

SEC. 19. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY SURVEYOR.**Powers and duties of.**

SEC. 20. The city surveyor shall have and exercise within the city, the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys, and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams, and estimates, plans, and specifications, required by the council or officers of the city, relating to the public improvements, buildings, grounds, and streets of the city.

STREET COMMISSIONER.**Powers and duties of.**

SEC. 21. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Monthly report.

SEC. 22. He shall make a report to the council, in writing, and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.**Powers and authority of.**

SEC. 23. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

Duties.

SEC. 24. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required

of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

Penalty for neglect of.

Security for performance of.

CITY COLLECTOR.

SEC. 25. The city collector shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe.

Duties of.

SUPERVISORS.

SEC. 26. The supervisors of the several districts are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in their respective districts as are imposed by law upon supervisors elected in townships; and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several districts in the board of supervisors of the county in which the city is located, and shall have all the rights, privileges, and powers of the several members of such board of supervisors.

Powers and duties of.

SEC. 27. The supervisors of the several districts shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

Jury lists.

SCHOOL INSPECTORS.

SEC. 28. The school inspectors of the city shall perform such duties in and for the city and for the public schools as are required of school inspectors elected in townships, so far as such duties are applicable or shall be required under this act. They shall also perform such duties, as members of the board of education, as are in this act prescribed.

Duties of.

JUSTICES OF THE PEACE.

SEC. 29. The justices of the peace elected in the city under the provisions of this act shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures for violations of this act, and for encroachments upon, and injuries to, any of the streets, alleys, and public grounds within the city, except in cases

Powers, duties, and authority of.

where jurisdiction is given to some other court. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter nine of this act.

General laws applicable to suits before.

SEC. 30. The proceedings in all suits and actions before said justices, and in the exercise of the power and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace, and to the proceedings before such officers.

Justice's docket.

SEC. 31. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

Monthly payment of moneys received by.

SEC. 32. All fines, penalties, forfeitures, and moneys collected or received by any justice of the peace, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.

Receipt for.

Monthly report of prosecutions, etc.

SEC. 33. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Fines and expenses.

SEC. 34. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

Bond to the city.

SEC. 35. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful per-

formance of the duties of justice of the peace within and for the city.

SEC. 36. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

Penalty for misconduct or neglect of duty.

SEC. 37. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

To account for property seized as stolen.

SEC. 38. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

Additional duties, rights, powers, etc., of officers.

COMPENSATION OF OFFICERS.

SEC. 39. The mayor and aldermen may [each] receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, clerk, treasurer, collector, comptroller, city attorney, and engineer of the fire department, shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall not exceed two dollars (receive the same compensation as is by law allowed supervisors of townships) per day for the time actually employed. School inspectors shall serve without compensation. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise [provided,] receive such compensation as the council shall determine.

Compensation of officers.

SEC. 40. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during the year; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased.

No change of compensation during term of office.

CHAPTER VI.

THE CITY COUNCIL.

SECTION 1. The legislative authority of said city shall be vested in a council consisting of the mayor, two aldermen elected from each ward, and the city clerk.

Of whom composed.

- President.** SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote.
- President pro tempore.** SEC. 3. On the first Monday in May in each year the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*
- Clerk of council.** SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk, the council shall appoint one of their number to perform the duties of his office for the time being.
- Aldermen to attend meetings.** SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.
- Judge of election, etc., of members.** SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.
- Stated meetings.**
- Special meetings.**
- Sessions public.** SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any such resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.
- Quorum.**
- Certain acts requiring a two-thirds vote of aldermen elect.**
- Majority vote on appropriations, etc.**
- Manner of conducting its business.** SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. And within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.

Power over its own members and other city officers.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Certain city officers entitled to seats in council.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Control of finances and property.

SEC. 12. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Execution of legal process.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Standing committees.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers, relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitant of the city, or other person interested therein, at all seasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Records, reports, receipts, etc., where deposited.

Penalty for injuring, defacing, or altering records.

SEC. 15. No member of the council or aldermen [alderman] shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

Extra compensation prohibited

City officers prohibited from being interested in contracts.

Penalty for violation.

Removal from office.

Investigation of charges against officers.

Powers conferred for purposes of investigation.

Auditing of accounts and claims against the city.

Idem.

SEC. 16. No member of the council, or any officers of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work, or services (other than official services to be performed for the corporation). Any member of the council, or officer of any city herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 17. Any person appointed to office by the council by authority of this act may be removed therefrom by a vote of the majority of the aldermen elect; and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same; and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER VII.

ORDINANCES.

SECTION 1. The style of all ordinances shall be, "The city of Lapeer ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Style, vote on passage, and time of taking effect.

SEC. 2. When, by the provisions of this act, the council of any city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures; not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Fines and penalties.

SEC. 3. On the same day or on the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

Approval of ordinances by mayor.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall at the next meeting of the council report any ordinance returned with objections thereto.

Duty of clerk relative to date of presentation of ordinances for approval.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section as amended shall be re-enacted.

Revival and amendment of ordinances.

Record of ordinances.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called the "record of ordinances," and it shall be the duty of the mayor and the clerk to authenticate the same by their official signatures upon such record.

Publication of ordinances.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Certificate of publication.

Proof of ordinances, etc., in court.

SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of any city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of any city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

Time and place for commencement of prosecutions.

SECTION 1. Prosecutions for violations of the ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city, or in the county in which the city is located.

Recovery of penalties and forfeitures.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Idem.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, ex-

ecution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Suits commenced by warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform, as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace. Form of warrant. Proceedings.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order. Rendition of judgment.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine, and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence. Execution of judgment.

SEC. 8. Every city shall be allowed the use of the jail of the county in which it is located for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement Entitled to use of county jail.

provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process, to whom directed.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State by said officers, or any other officer authorized by law to serve process issued by justices of the peace.

Setting forth of ordinances in complaints, proceedings, etc.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Statement of cause of action in complaint, etc.

Trial by and forming of jury.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Appeal to circuit court.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located, by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the or-

Bond or security and proceedings.

dinances of the city, and the resolutions of the council, and of the provisions thereof.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected, to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Fines, by whom receivable.

Monthly payment into city treasury.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Cases of neglect to pay over fines.

Penalty for willful neglect or refusal.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Disposition of fines paid into city treasury, etc.

SEC. 16. The circuit court of the county of Lapeer shall have jurisdiction to hear, try, and determine all cases arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

Jurisdiction of circuit court, and proceedings therein.

SEC. 17. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days.

Concurrent jurisdiction of justices of the peace.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

Security for costs in certain cases.

CHAPTER IX.

GENERAL POWERS.

Powers, authority and exercise thereof. SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

To prevent vice, etc. *First,* To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation, therein; and to punish for injuries thereto, or for unlawful interference therewith;

To apprehend and punish vagrants, etc. *Second,* To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

To abate nuisances. *Third,* To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

To suppress disorderly houses, etc. *Fourth,* To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance [chance,] and to punish the keepers thereof;

To regulate billiard tables, etc. *Fifth,* To regulate, license, or prohibit and suppress billiard tables, nine or ten pin alleys or tables, and ball alleys, and to punish the keepers thereof;

To suppress gaming. *Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

To regulate ale houses, etc. *Seventh,* To regulate, prohibit, and suppress ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

To prevent sale, etc., of liquors to minors, etc. *Eighth,* To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

To regulate shows, etc. *Ninth,* To regulate, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted;

To punish violation of Sabbath, etc. *Tenth,* To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose;

and to require all places of business to be closed on the Sabbath day;

Eleventh, To license auctioneers, auctions, and sales at auctions, [auction] to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

To regulate auctions, etc.

Twelfth, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in the streets, highways, or in open places or spaces, public grounds or buildings in the city.

To license peddlers, etc.

Thirteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses;

License taverns, saloons, etc.

Fourteenth, To license and regulate all vehicles of every kind, used for the transportation of persons or property for hire in the city;

To license hacks, etc.

Fifteenth, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over the same;

Toll bridges.

Sixteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;

Inspection of certain provisions.

Seventeenth, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;

Weighing and measuring of merchandise.

Eighteenth, To provide for the inspection and sealing of weights and measures;

Sealing of weights and measures.

Nineteenth, To enforce the keeping and use of proper weights and measures by venders;

Relative to accurate weights

Twentieth, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;

Vaults, cisterns, etc.

Twenty-first, To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

To prevent obscenity.

Twenty-second, To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city;

Bathing in rivers, etc.

Twenty-third, To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith of all drift-wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive;

To preserve purity of streams, etc.

Relative to certain shops and offensive places.

Twenty-fourth, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city;

Keeping and selling of gun-powder, etc.

Twenty-fifth, To regulate the keeping, selling, and using of gun-powder, fire-crackers and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

To regulate drains, cellars, etc.

Twenty-sixth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon;

To prevent mock auctions, etc.

Twenty-seventh, To prohibit, prevent, and suppress mock-auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

To prevent lotteries, etc.

Twenty-eighth, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Relative to hackmen, runners, etc.

Twenty-ninth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Relative to paupers.

Thirtieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

Relative to census.

Thirty-first, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same;

General authority to enact ordinances.

Thirty-second, And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Granting of licenses.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment

of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Bond of licensee.

Licenses revokable.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Terms of licenses.

Penalty for exercising occupation, etc., without.

SEC. 4. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury, to the credit of the contingent fund.

Disposition of money received for licenses.

SEC. 5. The council of any city shall have authority to permit any railroad company to lay its track, and operate its road with steam locomotives, in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions.

Crossing of streets by railroad.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct crossings in such manner, and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Regulations with regard to railroads and running of trains.

SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to

Idem.

drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action before any court having jurisdiction of the cause.

Partition fences. SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining, and repairing of partition fences, by the owners and occupants of adjoining lots, enclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And

Fence viewers. the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Support of poor. SEC. 9. The council of any city may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

CHAPTER X.

POLICE.

Provision for appointment of. SECTION 1. The council of the city may provide, by ordinance, for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night watchmen as they may think necessary for the good government, of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when, in his judgment the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police, and night-watchmen.

Rules for government of. SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire, and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to ap-

Temporary police.

point and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council. Authority of marshal as chief of police.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State, to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare, as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night watchman shall have all the powers of constables, and may arrest upon view, and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve. Powers and duties of policemen.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each. Fees. Monthly report.

SEC. 6. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed there-to at any time. Suspensions and removals.

CHAPTER XI.

CITY PRISON.

SECTION 1. The council of the city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of Provisions for and imprisonment therein.

all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those [imprisoned] therein.

Prisoners may
be kept at hard
labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XII.

PUBLIC HEALTH.

Provisions for
protection of.

SECTION 1. The council of the city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits, or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Abatement of
nuisances
dangerous to
health.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Clearing or
draining of un-
wholesome
places.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Removal of
dangerous
structures.

Collection of
expense of
removals, etc.,
by city in cases
of neglect.

SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city

shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon, or on account of which, such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises, and collected as a special assessment.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Assignment of location for carrying on dangerous or offensive business.

SEC. 6. The council may purchase the necessary lands, and enact [erect] thereon, or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employés for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board [of health] of the city shall deem [seem] proper; and by direction of the council or board of health, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Establishment of hospitals and detention of persons having contagious diseases.

SEC. 7. The council of the city of Lapeer [shall also] have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Council vested with powers as boards of health.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health, or any officers thereof.

Establishment of boards of health, and their authority.

CHAPTER XIII.

CEMETERIES.

Acquisition and regulation as to interments, etc.

SECTION 1. The city of Lapeer may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Raising of money for.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

Appointment of cemetery trustees.

SEC. 3. Whenever the city of Lapeer shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their offices for the term of three years, except that, at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May

Term of office.

of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Removals from office.

Compensation.

Organization and powers of board.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Care, laying out, and embellishment of grounds.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered, and the avenues and walks to be named; and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sale thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Appointment of superintendents, etc., expen-

SEC. 6. Said board shall appoint the necessary superintendents and employés for the cemetery, expend the money provided for

the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported,—which report shall be verified by the oath of the clerk of the board.

disbursement of money
and care of
grounds.

Cemetery fund.

Annual report of
board.

SEC. 8. The council of any city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

General author-
ity over ceme-
teries.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belong [belonging] to, or under the control of, any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

Protection of
church ceme-
teries.

CHAPTER XIV.

POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

Pounds, pound
masters, and
impounding of
animals.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to

Fees, charges,
and penalties.

be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

CHAPTER XV.

MARKETS.

Erection and regulation of market houses, etc.

SECTION 1. The council of the city shall have the power to erect market houses, establish and regulate markets and market places, for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Rules to prevent fraud, etc., and to preserve order.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

CHAPTER XVI.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

Acquisition, use, and disposition of.

SECTION 1. The city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

Of hospitals, work houses, water works, etc., outside city limits.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Of parks within the city.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue, public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same, and the appendances thereof, from obstructions, encroachments, and injury, and from all nuisances.

CHAPTER XVII.

SEWERS, DRAINS, AND WATER-COURSES.

SECTION 1. The council of the city may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Establishment
and construction
of.

SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may, by ordinance, prescribe their powers, compensation, terms of office, and duties.

Board of sewer
commissioners.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as they shall determine.

Plan for drain-
age.

SEC. 4. Such plan shall, in the discretion of the council, be formed with a view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

Main sewer
districts.

Plats.

SEC. 5. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as, in the opinion of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Special sewer
districts.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk, in the book of sewer records.

Trunk sewers.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral branch, or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within

Manner of pay-
ing for various
kinds of sewers.

the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Diagram and estimate of cost of sewers to be built.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof, in the district, and the proposed route and location of the sewer, and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, with respect to such sewer.

Notice of intention to construct sewers.

Determination to construct district sewer declared by resolution.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district, and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk in the book of sewer records.

Apportionment of expense.

Record of plat.

Special assessments for sewers

SEC. 10. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

Formation of sewer districts on petition.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Ordering construction of private drains.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair, and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Expenses thereof.

Connection of premises with public sewers.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means

of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Owner of such premises to pay an annual fee therefor.

SEC. 15. Such part of the expenses of providing ditches, and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Special assessments for ditches, etc.

SEC. 16. The expenses of repairing public sewers, ditches and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Expenses of repairing and reconstructing.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

Protection and control of public sewers, etc.

CHAPTER XIX.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance.

Control and repairing of.

SEC. 2. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands, which has not been actually accepted, worked, and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Care of streets not accepted by council.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to, or benefited by, such improvement, in the manner in this act provided for levying and collecting special assessments; or, in the discretion of the council, a portion of such costs and expenses may be paid by special

Laying out, altering, or vacating streets.

Expense thereof.

	assessments as aforesaid, and the balance from the general street fund.
Vacating of streets.	SEC. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk, in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.
Notice of meeting to hear objections.	
Filing of objections with city clerk.	
Survey of streets and records of same.	SEC. 5. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be <i>prima facie</i> evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the record shall be <i>prima facie</i> evidence of all the matters therein set forth.
Record of resolution vacating streets.	
Street grades and making of adjacent improvements.	SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds, to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records, in the office of the city clerk.
Record of grade or change thereof.	
Expenses attending change of grade when not asked for.	SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.
Damages resulting by a change of grade.	SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf, or

landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same, but the city shall incur no liability by reason of anything in this section contained.

PAVING AND IMPROVEMENTS.

SEC. 9. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes, and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving," shall be deemed to include the construction of crosswalks, gutters, and curbing. Authority for.
Paving defined.

SEC. 10. Such part of the expenses of improving any street, lane, or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same, as the council shall determine, may be paid from the general street fund, or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement. Apportionment
of paving, etc.

SEC. 11. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as, in the opinion of the council or board of assessors making a special assessment, would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or, if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if, from the shape or size of any lot, an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just. Idem.
When public
property fronts
improvement.

STREET REGULATIONS.

SEC. 12. The council shall have power to prohibit and pre-

Obstructions in
and encroach-
ments upon
streets.

Planting of
shade trees and
lighting of
streets.

Digging in
streets for laying
of gas pipes, etc.

Regulations as
to use of streets.

Stands for
vehicles.

Wood and hay
market, etc.

Signs, etc.

Immoderate
driving.

Gathering of
crowds.

Running at large
of animals and
fowls.

Cleaning of
streets and
removing
nuisances.

General police
authority over
the streets.

vent obstructions and incumbrances in, and encroachments upon, the public highways, streets, and alleys of the city, and to remove the same; and to punish those who shall obstruct, encumber, encroach, or maintain any encroachments, upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance, and encroachment.

SEC. 13. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp-posts therein, and protect the same.

SEC. 14. The council may regulate the making of all openings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times, and upon such terms and regulations as they may prescribe.

SEC. 15. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire, to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awnings, posts, and telegraph poles in, or over the streets; to prohibit immoderate riding and driving in the streets or over bridges, to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls, in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over, and in respect to, the public streets of the city, as are conferred by law upon highway commissioners in townships.

CHAPTER XX.

SIDEWALKS.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

Construction,
etc., and expense
thereof.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, material, and manner of construction, and within such time, as the council shall, by ordinance or resolution, prescribe.

Idem.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

Removal of
snow ice, etc.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

Proceedings in
case of neglect.

Expense a tax
on property.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

Regulations as
to placing of
signs, awnings,
etc.

SEC. 6. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

Lot owners, etc.,
liable for inju-
ries resulting
from their neg-
lect.

CHAPTER XXI.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Certain improve-
ments to be paid
for from general
fund.

Making of
special assess-
ments.

Board of assess-
ors, their com-
pensation and
duties.

Apportionment
of expense of
contemplated
improvement.

Estimates, plats,
etc., deposited
with clerk.

Notice of meet-
ing to consider
objections.

Ordering of the
work.

What costs and
expenses shall
include, and per-
cent of special
assessment.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: for city hall, and other public buildings and offices for the use of the city officers, engine-houses, and structures for the fire department, for water-works, market-houses, and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, lands appropriated for streets and rights of ways, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When, by the provisions of this act, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

SEC. 2. There shall be a board of assessors in every city, consisting of the city surveyor and two other members, who shall be freeholders and electors in the city, to be appointed by the council. Their compensation shall be prescribed by the council. Special assessments, authorized by this act, shall be made by such board. If a member of the board shall be interested in any special assessment, directed by the council, they shall appoint some other person to act in his stead in making the assessment, who for the purposes of that assessment, shall be a member of the board.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

SEC. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof, and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least, in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered except by the concurrence of two-thirds of the aldermen elect.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction. In no case

shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax-roll; any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

SEC. 6. Special assessments, to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Special assessment levied before making improvement.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality, constituting the district to be assessed.

Directions to board of assessors as to special assessments.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon, and against such persons, the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

Assessment roll.

Board to report completion to council.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Assessments according to frontage.

According to benefits.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

Special assessments other than those to be made *pro rata*.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which, the same shall be

Determination of proportion of expense chargeable against individuals.

Reported by clerk to assessors.

levied, as a special assessment; and as often as the council shall deem it expedient, they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment.

Special assessment roll in accordance therewith.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy, as a special assessment therein, upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Reported to council.

Filed with city clerk.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council as in this chapter directed, the same shall be filed in the office of the city clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks, at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk.

Notice of meeting to review assessment.

Objections filed with clerk.

Review, correction, and disposition of roll.

SEC. 14. At the time appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary, and confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it, and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation.

Certificate of date of confirmation.

Confirmation final.

Vote thereon.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

Assessment a lien on land and charge against persons.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Division into installments.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent.

First installment due upon confirmation.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Special assessment roll for each installment.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment

as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Assessors to apportion and collect installments in case of division of lots.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Additional assessments in case of a deficiency.

Surplus refunded.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum or [any] part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

New assessment roll to be made in case of irregularity in proceedings.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as, by a regular mode of proceeding, might have been lawfully assessed thereon.

Lien for equitable charges not impaired by decree vacating assessment.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax roll next thereafter to be

Payable assessments may be reported to ward supervisors.

Levy of sums assessed by supervisor.

made, in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Council may order a direct collection of such assessment by city collector.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city collector to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

Seizure and sale of goods.

SEC. 26. Upon receiving said assessment roll and warrant, the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the collector shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six day's notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Disposition of proceeds.

Disposition of money by collector, and return of roll and warrant.

SEC. 27. The city collector shall pay the moneys, and all the percentage collected by him, into the city treasury, and take the treasurer's receipt therefor, and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the collector shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Renewal of warrant.

SEC. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city collector shall perform the same duties, and make the like returns, as above provided. In case any assessment shall be finally returned by the city collector

unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward, in the manner provided in section twenty-four of this chapter, and shall then be re-assessed with interest included at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next ward tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Assessments finally returned unpaid, re-assessed with interest.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid, shall be sufficient. The special assessment roll, and a certified order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Special assessments may be collected by suit.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Judgment may be rendered notwithstanding irregularity.

CHAPTER XXII.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use, in the city, for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters; and for the improvement of water-courses; for sewers, drains, and ditches; for water-works, and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement, requiring the taking of private property, be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Purposes for which private property may be appropriated for public use.

Manner of acquiring.

Council may acquire by purchase.

Proceedings when seizure is necessary.

SEC. 2. When the council shall deem it necessary to make any public improvement requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement, and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city

Selection of
justice for em-
paneling jury.

to whom an application will be made at a time therein to be stated, for the empaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

Notice of appli-
cation for jury.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the city marshal, or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken the same length of time before making the application. A return by the sheriff or city marshal of the service

Return by officer,
when and where
filed.

or posting of copies of said notice and resolution, (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution, shall be filed with the said justice, before or at the time of making said application. And after the publication and service of posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement shall take notice of and be bound by all the subsequent proceedings, without further notice, except as herein otherwise provided.

Effect of notice.

Empaneling of
jury.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Liability of
jurors.

SEC. 5. At the time of making the application to the justice, for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Interests of
infants or incom-
petent persons,
how protected.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Completing
panel of jury.

Right of chal-
lenge.

Oath of jurors.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Copy of notice,
etc., and of plat,
to be given jury.

Persons over-
looked may file
statement of
interest.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

Jury to examine
premises, etc.

To be instructed
by justice.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners,

Determination
and award by.

mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Report of.

SEC. 10. The jury shall make a report of their determination and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

City attorney to assist.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket.

Entry of report in docket.

Relative to disagreement of jury.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn, and exercise the same duties as the other jurors of the panel.

Appointment in place of jurors unable to discharge duties.

Copy of report, etc., for use of council.
Judgment of confirmation.

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney, for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to a

When not made within forty days.

parties not appealing therefrom, within the time prescribed in the next section.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Appeal to circuit court.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected, according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Bill of exceptions.

Correction of, by justice.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called, and the like proceedings had, as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When court may remand case to justice.

When parties may proceed to trial.

Appeal of one person not to affect others.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate [the] lands

Judgment.

Costs.	of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.
Record and copies of judgment evidence of regularity of proceedings, etc.	SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.
Damages, payment of.	SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.
Where deposited when person is unknown, or incapacitated.	
When right to property shall vest in city.	SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender, or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.
Evidence of ownership, etc.	
Effect of judgment upon leases.	SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

CHAPTER XXIII.

FINANCE AND TAXATION.

Fiscal year. **SECTION 1.** The fiscal year shall commence on the third Monday in March in each year, unless otherwise provided by ordinance.

SEC. 2. The council of the city shall have authority, within the limitations herein prescribed, to raise annually, by taxation within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted. Authority of council to raise money by tax.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds: Division of revenues raised by general tax.

First, Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund, no provision is made; Contingent fund.

Second, Fire department fund, to defray the expense of purchasing grounds, erecting engine-houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city; Fire department fund.

Third, General street fund, to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing, and cleaning the streets, alleys, and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof; General street fund.

Fourth, General sewer fund, to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water-courses; General sewer fund.

Fifth, Bridge fund, for the construction and maintenance of bridges; Bridge fund.

Sixth, Water fund, for constructing reservoirs and cisterns, and providing other supplies of water; Water fund.

Seventh, Public building fund, for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city-hall, offices, prisons, watch-houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for; Public building fund.

Eighth, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city; Police fund.

Ninth, Cemetery fund; Cemetery fund.

Tenth, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon; Interest and sinking fund.

Eleventh, Such other general funds as the council may from time to time constitute. Other general funds.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds: Division of revenues raised in special districts.

First, A street district fund, for each street district, for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district; Street district fund.

Second, A district sewer fund, for each main sewer district, for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts; District sewer fund.

Special assessment fund.

Third, Special assessment funds; any money raised by special assessment levied in any special assessment districts, or special sewer district, to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Aggregate amount council may raise by general tax.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of taxes for schools and school-house purposes), shall not, except as herein otherwise provided, exceed in any one year one and one-fourth per cent on the assessed value of all the real and personal property in the city made taxable by law.

Amount in each street district for repairing of streets, etc.

SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving, and pairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

Amount in sewer and special assessment districts, for local improvements.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts, and special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements, chargeable upon the lands and property in the district, according to frontage and benefits, and for all other purposes for which the main sewer fund and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

Taxes for use of public sewer.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

Tax to provide for interest and sinking fund.

SEC. 9. The council may also raise such further sum annually not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Estimates of expenditures.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the

several general funds during such fiscal year, and [also, to estimate] the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving, and repairing the streets in the several street districts of the city.

SEC. 11. The council shall also in the same month determine the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessments which they require to be levied or re-assessed, in the next general tax rolls of the city upon lands in any main sewer or special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Determination
of amount to
meet deficiencies,
etc.

SEC. 12. The council shall also, in the said month of September, pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section ten of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city, but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six, and nine of this chapter to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or re-assessed with the next general tax, as mentioned in section eleven of this chapter, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

Annual appropriation bill.

SEC. 13. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, and all amounts reported to the council by the board of education to be raised for schools, library, and school-house purposes, as provided in this chapter twenty-eight, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October. And all sums ordered in said bill to be levied or re-assessed in street or sewer districts, or as special assessments, shall be certified at the same time to the supervisors of the respective wards, as provided in chapter twenty-four; and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

When, and to
whom all sums
ordered in bill
must be certified.

No further sums to be used or raised after passage of bill, except as herein provided.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated, nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditure, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor.

All improvements to be made in pursuance of an appropriation, except as herein otherwise provided.

SEC. 15. No improvement, work, repairs, or expense, to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general or street district fund, for any purpose, unless appropriated for that purpose in said bill.

Minimum cost of improvements not specified in appropriation bill.

SEC. 16. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered, commenced, or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

Tax must be levied before work is commenced, etc.

SEC. 17. No public work, improvement, or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

General and street district funds may be raised partly by loan.

SEC. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Proviso—limit of amount.

Loan in anticipation of receipts from special assessments.

SEC. 19. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Limit of.

Raising greater sums than hereinbefore provided for, authorized by vote of electors.

SEC. 20. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to

be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the last preceding tax rolls made therein.

SEC. 21. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

SEC. 22. All moneys and taxes raised, loaned, or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

SEC. 23. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk or comptroller. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

SEC. 24. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred, and payable from such fund, are sufficient to exhaust it. Any warrant, draft, or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments, or by previous liabilities, payable from such fund, shall be void as against the city.

SEC. 25. No loans shall be made by the council, or by its authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the city clerk or comptroller. When deemed necessary by the council to extend the time of payment, new bonds may be issued

Limit of amount.

Ordinance submitting question to vote of electors.

Notice thereof.

Vote by ballot.

Money raised for any fund to be credited to such fund.

Surplus at close of year may be transferred.

Contingent fund

How money can be drawn from treasury.

Warrants not to be drawn after fund is exhausted.

Loans and bonds.

in place of former bonds falling due, in such manner as merely to change, but not increase, the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Auditing of accounts of city officers, etc., at close of fiscal year.

Annual financial statement.

SEC. 26. Immediately upon the close of the fiscal year, the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments, and the amounts collected on each, and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Statement filed with clerk and published.

SEC. 27. Said statement, signed by the mayor and clerk or comptroller, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city, at least five days previous to the next annual city election.

Appropriation of public moneys to private use prohibited.

SEC. 28. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation, or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property, may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Penalty.

CHAPTER XXIV.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment of property and duties of supervisors in relation thereto.

SECTION 1. The supervisors of the city shall in each year make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner, and within the same time, as required by law for the assessment of property in the townships of

the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or is liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the collector or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Assessment of persons who falsely claim an exemption on the ground of residing elsewhere part of the time.

SEC. 3. All personal property found in any ward may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Personal property assessed in the ward where found.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time, while making their assessments, and equalize their valuations in such manner as may be just.

Supervisors to meet and equalize assessments.

SEC. 5. The supervisors of the city, the treasurer and collector, together with the city attorney, shall constitute a board of review of assessments. At the time appointed by law for the review of assessments made by supervisors of townships, the said board of review shall meet at the office of the city clerk, and there proceed to review and correct the assessments made by the supervisors in the several wards; and for that purpose said board shall have the same powers and perform the same duties in all respects as supervisors of townships in reviewing and correcting assessments made by them. Said board shall continue in session not less than three days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the city clerk, by publication in one of the newspapers of the city, at least one week before the time for the review.

Board to review assessments, its powers and duties.

Session of. Notice of meeting.

SEC. 6. When the board shall have reviewed and corrected the assessment rolls of the several wards, they shall, in addition to

Board to certify to corrected assessment roll.

Further powers
of board.

Certificate to
county clerk of
amount to be
raised during
the year.

Equalization and
apportionment
of amount to be
raised among the
wards.

Certified to city
clerk.

Clerk's certificate
to ward super-
visors of
amounts to be
assessed in
special districts.

Time and man-
ner of levying
tax and making
up tax roll.

the certificate required to be made by the supervisor, add their own certificate to each roll, signed by at least a majority of them, showing that they have reviewed the roll, and within thirty days thereafter each supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

SEC. 7. On or before the first Monday in October in each year the city clerk shall certify to the county clerk of the county in which the city is located the aggregate amount of all sums which the council require to be raised for the year for all city purposes, and for schools, and library, and school-house purposes, by general taxation upon all the taxable property of the whole city.

SEC. 8. Said county clerk, as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city, according to the valuation of the property appearing upon the assessment rolls of said several wards of the city for such year, as equalized by the board of review mentioned in section five, and certified [certify] to the supervisors of the several districts of said city, for assessment therein, the amount so apportioned to their respective wards, giving the amount apportioned for school, and library, and school-house purposes in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property, in said city, and in the township of the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the several districts respectively, as aforesaid.

SEC. 9. On or before the first day of October in each year, the city clerk shall certify to the supervisor of each district, for assessment therein, all amounts which the council require to be assessed or re-assessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment or otherwise, within his district, together with a designation of the district, or description of the land, or person, upon or within which the several sums are to be assessed or re-assessed, with such further descriptions and directions as will enable the supervisor to assess the several amounts upon the property and persons chargeable therewith.

SEC. 10. Each supervisor, at the time of levying State and county taxes in his district for the year, shall levy in the same roll upon all the taxable property in the ward the amounts certified to him by the clerk of the board of supervisors, as provided in section eight of this chapter, to be raised for city, school, and library purposes, placing the city taxes in one column, and the school, library, two-mill, and school-house taxes in another column; and he shall

also levy in the same roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in section nine of this chapter, or in chapter twenty-six of this act, for assessment or re-assessment, in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column, and a collection fee of five per cent on the tax entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

SEC. 11. The supervisors, upon completing their rolls, shall certify to the city collector the amounts of taxes levied in their respective rolls for State and county purposes, and to the city clerk the amounts levied therein for city and school taxes, special assessments, and other purposes, and for collection fees; and he shall charge the amount thereof to the city collector. The city collector shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, the several supervisors shall deliver certified copies of the tax rolls, with the taxes extended therein as aforesaid, to the city collector, with their warrants for the collection of the taxes therein annexed thereto.

Amounts levied,
certified to col-
lector and clerk.

Bond of city
collector.

Copies of tax
rolls with war-
rants annexed to
be delivered to
collector.

SEC. 12. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries, respectively; and shall command the city collector to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, remitting upon all taxes paid before the first day of January next thereafter the percentage added for collection fees, and to pay over the [and] account for all moneys collected and specified in the roll, as in said warrant directed, on or before the first day of February then next; and the warrant shall authorize the collector, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Contents of
warrant.

Distress and sale
o. goods.

SEC. 13. All taxes levied in any ward tax roll, shall be and remain a lien upon the lands upon which they are levied until paid.

Taxes a lien on
lands.

SEC. 14. Upon receiving the several ward tax rolls as above provided, the city collector shall give notice immediately to the tax payers of the city that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office, at any time before the first day of January then next, without any charge for collection; but that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said first day of January. Said notice shall be given by publishing the same twice in one of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the collector to be at his office at such times, previous to the said first day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said first

Notice of col-
lector to tax
payers.

How given.

When collector
required to be at
his office.

Percentage for fees, when paid, etc.

day of January; but in all other cases he shall collect both the tax and percentage for collection added in the roll. All such percentage for fees collected by him shall be paid into the city treasury to the credit of the contingent fund, and the treasurer's receipt therefor shall be taken and filed with the city clerk, who shall charge the treasurer with the amount thereof.

Taxes remaining unpaid on first day of January, how collected.

SEC. 15. For the collection of all taxes remaining unpaid on the first day of January, the city collector shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

Issue of new warrants.

SEC. 16. The county treasurer may issue new warrants to the city collector for the collection of taxes in the same manner and in the same cases, and with the same effect as such new warrants may be issued to township treasurers. The city collector may, and it shall be his duty, to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and the evidence therein brought by township treasurers in the name of their townships for such purposes, shall apply to suits brought by the city collector as aforesaid.

Wards considered as townships for certain purposes.

SEC. 17. For the purpose of assessing and levying taxes in any city incorporated under this act, for State, county, school, and library purposes, each ward shall be considered the same as a township, and all the provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisors in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city collector shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Powers of city collector.

Payment of moneys collected to city and county treasurers.

SEC. 18. The city collector shall, within the time specified and directed in the warrants annexed to said several tax rolls, pay into the city treasury, out of the moneys collected by him on said rolls the amounts specified and directed in said several warrants to be paid into the city treasury, and shall take the treasurer's receipt therefor, showing the amounts paid for city, school, and special assessment taxes respectively, and file the same with the city clerk, and the city clerk shall charge the amount of all such taxes to the city treasurer; and the collector shall, within one week after the time for that purpose specified and directed in said warrants, pay to the county treasurer the sums required in said warrants to be paid, either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Return and sale of lands for unpaid taxes.

SEC. 19. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in any city, and be returned as delinquent to the county treasurer; and the city, in respect to taxes levied therein and returned to the county treasury as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for State, county, and township purposes, and returned delinquent, shall apply to the return and sale of property, for the non-payment of delinquent taxes levied in any city, except as herein otherwise provided.

City same as a township in respect to delinquent taxes.

CHAPTER XXV.

EDUCATION.

SECTION 1. Said city of Lapeer shall constitute a single school district. Such school district shall be a body corporate, by the name and style of the "Public schools of the city of Lapeer," and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued, and purchase, acquire, hold, and dispose of such real and personal property as is authorized to be purchased or acquired by this chapter.

City constitutes one school district.

SEC. 2. The mayor and school inspectors, elected and appointed as provided in this act, shall constitute the board of education of the public schools of the city. They shall elect, from their own number, annually, at such time as they shall designate, a president and secretary of the board. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be the treasurer of the public schools.

Board of education and organization of same.

SEC. 3. The board of education shall have the control and management of the property, interests, and affairs of the district, and of the schools organized, or that may be organized therein. They shall establish and maintain such primary and graded schools as the public interest may require; and when deemed expedient, shall establish a high school, for instruction in the higher branches of education authorized by the school laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years residing within the city; and shall be taught for such length of time, at least, during each year, as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

Powers and duties of.

SEC. 4. The board of education shall appoint and employ a superintendent, and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, adopt rules for the regulation and government of the schools,

Board to employ a superintendent and teachers and fix their salary, adopt rules, etc.

and do whatever may be required to advance the interests of education.

District library.

SEC. 5. Said board shall maintain a district library, and may apply to the purchase of books therefor, in addition to the amount received on account of fines and forfeitures, such sum annually as they may deem expedient.

Annual statement.

SEC. 6. They shall publish, annually, a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued by them.

Duties of board in regard to school buildings.

SEC. 7. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for school-houses in the district as may be necessary; and to purchase and procure the lands therefor; and to erect and maintain thereon, in proper repair, convenient and suitable school-houses and buildings for the use of the public schools; and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools; and may sell and dispose of any lands and property of the district when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school-buildings, property, and improvements of the district; and the council shall also pass all necessary ordinances for that purpose.

Census of school children.

SEC. 8. The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same, and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township; and said board shall be entitled to receive from the county treasurer or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries.

Financial report of board, and manner of publishing same.

SEC. 9. Said board shall publish from time to time, in one of the newspapers of the city, a full report of all the proceedings of their meetings, relating to the finances and expenditures of the district. They shall also, in the month of September in each year, make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to officers, teachers, and employees, and to whom paid, the obligations incurred during the year, the amount of indebtedness outstanding, and to whom payable; and also the estimates required to be made, as in the next section mentioned, of the expenditures for grounds and buildings, and for the support of the schools for the ensuing year and the items thereof, all of which shall be recorded with the proceedings of the board.

Estimate of school expenses for ensuing year.

SEC. 10. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and report

of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs, and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds, and the construction of school buildings and support of the library, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sums so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes next thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness, and interest therein incurred for grounds and buildings, shall not exceed one per cent; and the amount for the support of the schools and for all the other purposes above mentioned, shall not exceed two and one-half per cent on the dollar of the taxable valuation of the real and personal property in the city, as shown by the tax rolls of the preceding year.

Amount of estimate to be raised by tax.
Provided—Limit of amount.

SEC. 11. For the payment of current expenses the board may borrow from time to time in anticipation of the collection of taxes levied, or herein authorized to be levied during the same year for school purposes, such sum, not exceeding the tax, and to be paid therefrom, as they may deem expedient. For the purchase of grounds and the erection of school buildings and for the payment of indebtedness incurred for such purposes, the said board may, in addition to all other sums herein authorized to be raised, borrow from time to time, upon such terms and time as they shall find expedient, any sum not exceeding in any one year one per cent of the taxable valuation of the property in the district. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for the payment of which the faith of the district shall be pledged.

Borrowing of money by board.

Limit of amount.

Bonds.

SEC. 12. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the electors of the district present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in ten public places in the city at least ten days before the meeting.

Excess over the one per cent may be raised by vote of electors.

Notice of meeting of electors.

SEC. 13. The treasurer shall give bonds to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school and library moneys receivable from the county treasurer and from the collection of taxes, and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose ex-

Bond of treasurer.

School and library moneys to be deposited with treasurer.

Duplicate receipts.

cept upon the written order of the president, countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the public schools, shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Compensation of Secretary.

SEC. 14. The secretary of the board shall receive such compensation for his services as such officer as the board shall determine; otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Property, etc., to vest in and debts, etc., to be paid by new district.

SEC. 15. All the school buildings, property, and effects situated within said city at the time of its incorporation under this act, shall upon such incorporation, be vested in, and be the property of the district hereby designated as the public schools of the city; and all the debts and liabilities of any school district within the territory incorporated as a school district by this act, shall be the debt of, and be paid by, the new district; and any suit pending against any such former school district, shall be continued to judgment. Any tax levied and uncollected in any such former district shall be collected and enforced in the same manner as if such new incorporation had not taken place.

CHAPTER XXVI.

FIRE DEPARTMENT.

Establishment and maintenance of.

SECTION 1. The council of said city shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employes, firemen, and officers.

Fire engines, reservoirs, etc.

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Engine houses, etc.

SEC. 3. The council may also provide, or erect, all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Engineer of fire department, and his duties.

SEC. 4. The engineer of the fire department shall be the chief of the department, and, subject to the direction of the mayor, shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus, and property, sub-

ject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary.

Assistant
engineer and
officers.

SEC. 5. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city.

Authority of
certain officers
to command
assistance at
fires.

SEC. 6. The council may provide, by ordinance, for the appointment of, and may appoint such number of fire-wardens as may be deemed necessary; and for the examination by them from time to time, of the stoves, furnaces, and heating apparatus and devices in all the dwellings, buildings, and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire wardens and
their duties.

SEC. 7. The council may prescribe by ordinance from time to time, limits, or districts within the city, within which wooden buildings and structures shall not be erected, placed or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roof shall be constructed.

Fire limits.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and generally, may pass and enforce such ordinances and regulations as they may deem necessary, for the prevention and suppression of fires.

Location of
shops, lumber
yards, etc.

Storing of gun-
powder, etc.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Buildings
erected, repaired,
or kept in viola-
tion of an ordi-
nance, a nuisance

SEC. 10. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

Compensation of
firemen.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall

Pulling down
buildings in case
of fire.

Compensation
for buildings so
destroyed.

be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

CHAPTER XXX.

MISCELLANEOUS.

Service of process.

SECTION 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance mentioned therein.

Regulations in
regard to the
laying out and
platting of
additions to the
city plat.

SEC. 2. No lands or premises shall hereafter be laid out, divided, and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan, and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys, with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds, until a certificate has been indorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance as provided by section two of chapter twenty-two of this act.

SEC. 3. This act shall take immediate effect.

Approved April 1, 1875.

[No. 302.]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to revise the charter of the city of Holland,' being amendatory of an act entitled 'An act to incorporate the city of Holland,'" approved March twenty-fifth, eighteen hundred and sixty-seven, approved March twenty-third, eighteen hundred and seventy-one, which became a law April second, eighteen hundred seventy three.

SECTION 1. *The People of the State of Michigan enact, That* Act amended.
 an act entitled "An act to amend an act entitled 'An act to revise the charter of the city of Holland,'" being amendatory of an act entitled "An act to incorporate the city of Holland," approved March twenty-fifth, eighteen hundred and sixty-seven, approved March twenty-third, eighteen hundred and seventy-one, which became a law April second, eighteen hundred seventy-three, be and the same is hereby amended so as to read as follows :

TITLE I.

INCORPORATION.—CITY.—WARDS.—BOUNDARIES.

SECTION 1. So much of the township of Holland, in the county Boundaries.
 of Ottawa, as is comprised in the following limits of boundary, to-wit: A part of section twenty-eight (28), all of section twenty-nine (29), and all of section thirty (30), in township five (5) north, of range fifteen (15) west, as lies south of Black lake, in said township, and commencing at a stake eighty (80) rods east of the northwest corner of said section twenty-eight (28), and running thence north to the main channel of Black river, and thence westwardly along the main channel of the waters of Black river and Black lake, and along said main channel of said lake in a westerly and southwesterly direction, until it intersects the section line on the south side of said section thirty (30), thence along said section line east to a stake eighty (80) rods east of the southwest corner of said section twenty-eight (28), and thence north parallel with the section line on the west side of the same to the place of beginning, be and the same is hereby set off from the township of Holland, and declared to be a city by the name of the city of Holland, by which name it shall hereafter be known.

SEC. 2. The city described in the preceding section, and the inhabitants thereof, shall be and are hereby made a body politic and corporate, under and by the name of the city of Holland, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they are incorporated, have a common seal, and change the same at pleasure, and exercise all the powers in this act conferred. Body corporate and politic.

SEC. 3. The said city shall be and is hereby divided into four wards. The first ward shall embrace and include all that portion of the said city lying east of Cedar street; the second ward shall embrace and include all that portion of the said section twenty-nine (29) lying north of Eighth street and west of Cedar street; Division of city into wards.

the third ward shall embrace and include all that portion of said city lying between Pine and Cedar streets and south of Eighth street; all the remaining portion of said city shall be and constitute the fourth ward.

Re-districting or
changing wards.

SEC. 4. Whenever the council shall deem it expedient, they may by ordinance enacted by a concurring vote of not less than two thirds of the aldermen in office, re-district the city into wards, divide any ward or change the boundaries thereof; establish new wards, and increase the number of the wards of the city, within the limit prescribed in the preceding section.

Notice of inten-
tion to change
ward boundaries.

SEC. 5. Upon the introduction of such ordinance, the council shall require the city clerk to give notice thereof, and of the change proposed thereby in any ward or wards, by publishing such notice in some newspaper published in the city, for three weeks before the council shall proceed to the passage of the ordinance.

Ward bound-
aries, etc.

SEC. 6. All wards which may be established by the council, and all changes in the existing wards, shall be bounded by streets, alleys, avenues, public grounds, streams of water, or corporation lines, and the wards, as established or changed, shall be composed of adjacent territory, and shall be as compact as may be; and in establishing, changing, or re-districting the wards, it shall be so done as to give the several wards as nearly an equal number of inhabitants as may be practicable.

When bound-
aries shall not
be changed.
Election of offi-
cers in new
wards.

SEC. 7. No change in the boundary of any ward shall be made within twenty days next preceding an election therein. No election of aldermen or ward officers shall be held in any newly established ward, or in any ward on account of changes in the boundaries thereof previous to the next annual city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward, but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward unless the office become vacant for some other cause.

First election of
aldermen in new
wards.

SEC. 8. When, by the erection of a new ward, two aldermen are to be elected therein at the same time, one of them shall be elected for one year, and one for two years, and the terms of each shall be designated on the ballots.

TITLE II.

ELECTORS.—REGISTRATION.—ELECTIONS.—OFFICERS.

Where to vote.

SECTION 1. Every elector shall vote in the ward where he shall have resided during the ten day [days] next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals.

Residence
defined.

Board of regis-
tration.

SEC. 2. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If, by reason of a change of boundary of any ward, or the formation of a new ward, or other cause, there shall not be any or a sufficient

number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy, or appoint a board of registration for the ward.

Vacancies, how filled.

SEC. 3. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

Registration in case of the change of ward boundaries.

SEC. 4. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

Registration in new wards.

SEC. 5. There shall be elected in said city a mayor, a supervisor, a city marshal, city clerk, city treasurer, city collector, street commissioner, six school inspectors, and four justices of the peace, one of which justices of the peace shall be elected at each annual election hereafter. The mayor shall be *ex-officio* a member of the board of supervisors of the county of Ottawa.

Elective officers.

SEC. 6. In each ward two aldermen and a constable shall be elected.

Mayor ex-officio member of board of supervisors.

Number of aldermen and constables.

SEC. 7. The following officers shall be appointed by the council, viz.: a city attorney, city surveyor, and an engineer of fire department. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Appointive officers.

SEC. 8. Appointments to office by the council, except appointments to fill vacancies, shall be made on the first Monday in May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council.

Time of making appointments.

SEC. 9. The mayor, city marshal, city clerk, city treasurer, city collector, street commissioner, supervisor, and constables, shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Terms of office of certain officers

SEC. 10. The school inspectors elected at the first election after the passage of this act, shall be elected, one for the term of one year, one for the term of two years, and two for the term of three years, from the first Monday in April of the year when elected. The

School inspectors, their election and terms of office.

term of office for which each is elected shall be designated on the ballots cast for him. And the present school inspectors whose terms of office expire in the year eighteen hundred and seventy-six, and eighteen hundred and seventy-seven, respectively, shall continue to hold their office until the expiration of the several terms for which each of them is elected. After the first election two school inspectors shall be elected annually for the term of three years from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Aldermen, their election and terms of office.

SEC. 11. At the first election of aldermen in the wards, one alderman shall be elected in each ward for the term of two years; and thereafter one alderman shall be elected annually in each year, for the term of two years from the first Monday in April in the year when elected, and until his successor shall be qualified and enters upon the duties of his office.

Terms of certain appointed officers.

SEC. 12. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office.

Idem.

SEC. 13. A school inspector or alderman appointed by the council to fill a vacancy in the office of inspector or alderman, shall hold the office only until the next annual city election. In all other cases any officer appointed to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred.

When officers to enter upon their duties.

SEC. 14. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office, and giving the security (if any) required for the performance of the duties of the office.

Who may hold office.

SEC. 15. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of any such defaulter shall be void.

Oath of office of justices of the peace.

SEC. 16. Justices of the peace elected in the city of Holland shall take and file an oath of office with the county clerk of the county of Ottawa, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers, elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

or officers.

of bond of

SEC. 17. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned

in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by, the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond of security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Penalty for entering upon official duty before filing oath and bond.

Bonds of other officers.

SEC. 18. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

Examination as to sufficiency of sureties.

To be reduced to writing and filed with bond.

SEC. 19. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds, in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

Power of council to require new bonds.

SEC. 20. Resignations of officers, including school inspectors, shall be made to the council, subject to their approval and acceptance.

Resignations.

SEC. 21. If any officer shall cease to be a resident of the city, or if elected or appointed in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Offices vacated by change of residence and by default.

SEC. 22. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

When council may declare office vacant.

SEC. 23. A vacancy in the office of justice of the peace shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment by the council, within twenty days after the vacancy occurs, or if the vacancy be in an elective office

Filling of vacancies.

it shall be filled by an election or an appointment, within thirty days after the vacancy occurs, in the discretion of the council.

Liability of officers and sureties.

SEC. 24. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Delivering books, etc., to successor.

SEC. 25. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Annual election.

SEC. 26. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate.

Special elections.

SEC. 27. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice of special elections.

SEC. 28. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held; then the proceedings and manner of holding the election shall be the same as at the annual election.

Time and manner of giving election notices.

SEC. 29. Notice of the time and place or places of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes.

SEC. 30. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Opening and closing of polls.

SEC. 31. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall

be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

SEC. 32. The two aldermen and a clerk in each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, *viva voce*, such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

Board of inspectors of election.

SEC. 33. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or, when necessary the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Choice of chairman, clerks, etc.

SEC. 34. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county, and district elections in their respective wards.

State, county, and district elections.

SEC. 35. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Manner of conducting elections

SEC. 36. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon shall be separate, and be deposited in a separate box.

Ballots.

SEC. 37. If at any election vacancies are to be supplied in any office, or, if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill the same shall be designated on the ballot.

Ballots for vacancies.

SEC. 38. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written, the name of each elector voting at such elections, in two poll lists, to be kept by said inspectors of election, or under their direction. And such lists shall be so kept as to show the num-

Polling of ballots.

Poll list.

Canvass by
inspectors.

Statement of
result and cer-
tificate.

To be deposited
with city clerk.

Canvass the
same as in
general elections.

Determination
of result of
election by coun-
cil.

Certificate.

Tie to be deter-
mined by lot.

Notice to per-
sons elected and
appointed.

Clerk to report
neglect of offi-
cers to file oath
and bond.

ber and names of the electors voting upon any question or proposition, submitted to the vote of the electors.

SEC. 39. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day, or on the next day, make a statement, in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists and the register of electors, and the boxes containing said ballots, in the office of the city clerk.

SEC. 40. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform, as nearly as may be, to the duties required of inspectors of election at such general elections.

SEC. 41. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk.

SEC. 42. The person receiving the greatest number of votes for any office in the city or ward shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

SEC. 43. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of such appointment.

SEC. 44. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing, to the council, the names of the persons elected or appointed to any office, who shall have neglected

to file such oath and requisite bond or security for the performance of the duties of the office.

TITLE III.

DUTIES AND COMPENSATION OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city, and the ordinances and regulations of the council, are enforced. Mayor, duties of.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. Conservator of the peace.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for the neglect of duty. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. Power of removal or suspension.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor. Mayor pro tempore.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. Aldermen, duties of.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidenced in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations. City clerk, duties of.

SEC. 7. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and Idem.

Idem.

assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

Financial report,
etc.

SEC. 8. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

City treasurer,
duties of.

SEC. 9. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of, and be charged with, all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk.

Monthly report.

SEC. 10. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury, since the date of his last annual report, classifying them therein by the funds to which such receipts are credited, and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in one of the newspapers of the city.

Publication of
same.

Receipts for
moneys paid out,
etc.

SEC. 11. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which pay-

ment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk with his monthly report.

SEC. 12. The city treasurer shall be the treasurer of the school district designated in this act as "public schools of the city," and shall have the custody of the funds belonging to and receivable by such district from all sources, for school, library, and school-house purposes. He shall receive from the county treasurer for the use of such district, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe. Before entering upon the duties of his office, either as city treasurer or as treasurer of the public schools, the said city treasurer shall give bond to the public schools of the city in such sum and with such sureties as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties as said board may require.

Treasurer to have custody of school funds.

Duties in relation thereto.

To give bonds to public school.

SEC. 13. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

Not to use public moneys for private use.

SEC. 14. The city marshal shall be the chief of the police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served any where within the State.

Marshal, powers and duties of as peace officer.

SEC. 15. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances

Idem.

of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets until they shall become sober.

Marshal's report.

SEC. 16. The marshal shall report in writing and on oath to the council, at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

Monthly payment of moneys received.

Fees.

SEC. 17. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by the city.

City attorney, duties of.

SEC. 18. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

City surveyor, powers and duties of.

SEC. 19. The city surveyor shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys, and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications, required by the council or officers of the city relating to the public improvements, buildings, grounds, and streets of the city.

Street commissioner, duties of.

SEC. 20. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Report of, to council.

SEC. 21. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him, shall be made until reported on oath as aforesaid.

Constables, powers and authority of.

SEC. 22. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the

like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

SEC. 23. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

Duties of.

Penalty for neglect of duties.

Security for performance of duties.

SEC. 24. The city collector shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe.

City collector, duties of.

SEC. 25. The supervisor is authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes as are imposed by law upon supervisors elected in townships; and he shall have the like powers, and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed; he shall, together with the mayor, represent the city in the board of supervisors of the county of Ottawa, and the supervisor and the mayor shall have all the rights, privileges, and powers of the several members of such board of supervisors.

Supervisor, powers and duties of.

SEC. 26. The supervisor of the city shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

Jury lists.

SEC. 27. The school inspectors of the city shall perform such duties in and for the city, and for the public schools, as are required of school inspectors elected in townships, so far as such duties are applicable or shall be required under this act. They shall also perform such duties, as members of the board of education, as are in this act prescribed.

School inspectors, duties of.

SEC. 28. The justices of the peace elected in the city under the provisions of this act, shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures, for violations of this act, and for encroachments upon, and injuries to, any of the streets, alleys, and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority

Justices of the peace, powers and duties of.

to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in this act.

General laws applicable to proceedings before justices.

SEC. 29. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and governed by, the general laws applicable to courts of justices of the peace, and to the proceedings before such officers.

Justices, duties relative to keeping docket.

SEC. 30. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

Justices to pay over moneys in their hands monthly.

SEC. 31. All fines, penalties, and forfeitures, collected or received by any justice of the peace, for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures, and moneys collected and received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor, and file the same with the city clerk.

Monthly report.

SEC. 32. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Fines and expenses.

SEC. 33. All fines recovered for a violation of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city, for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

Bond to the city.

SEC. 34. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties, to be approved by the mayor, which approval shall be en-

dorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

SEC. 35. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office, required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure. Penalty for neglect of duty.

SEC. 36. Every justice of the peace of the city shall account, on oath, to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city. To account for property seized as stolen.

SEC. 37. In addition to the rights, powers, duties, and liabilities of officers, prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution. Additional duties, powers, etc., of officers.

SEC. 38. The city marshal, clerk, treasurer, collector, city attorney, and engineer of the fire department, shall each receive such annual salary as the council shall determine by ordinance. The compensation of the supervisor for assessing and levying taxes, extending taxes upon his roll, and for all other services performed by him, shall not exceed two dollars per day for the time actually employed. The mayor, aldermen, and school inspectors, shall serve without compensation. Justices of the peace, constables, and officers serving process and making arrests may, when engaged in causes and proceeding for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine. Compensation of officers.

SEC. 39. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased. No increase during term of office.

TITLE IV.

THE CITY COUNCIL.

SECTION 1. The legislative authority of the city of Holland shall be vested in a council consisting of the mayor, two aldermen elected from each ward, and the city clerk. Council, of whom composed.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote. President.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the President pro tempore.

council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

Clerk of council.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen to attend meetings.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of election, etc., of members.

SEC. 6. The council shall be judge of the election, returns, and qualification of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence at least twelve hours before the meeting.

Stated and special meetings.

Quorum.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, public ground be vacated, real estate, or any interest therein sold or disposed of, or private property taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect. Nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office.

Certain acts requiring a two-thirds vote of aldermen elect.

May only vote on appropriations, etc.

Manner of conducting its business.

Publication of proceedings.

Power over its own members and other city officers.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, when required by any one or more members, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any mis-

behavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Certain city officers entitled to seats in council.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Control of finances and property.

SEC. 12. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Execution of legal powers.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Standing committees.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and of all books, documents, reports, contracts, receipts, vouchers, and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept, as to be convenient of access and inspection; and all such records, books, and papers, shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents, or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Records, reports, receipts, etc., where deposited.

Penalty for injuring, defacing, or altering records.

SEC. 15. No member of the council, or alderman, shall receive any compensation for his services as councilman, alderman, committeeman, or otherwise, except as herein provided.

Extra compensation prohibited.

SEC. 16. Any person appointed to office by the council, by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provisions shall be made by ordinance for prefer-

Removal from office.

ring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Investigation of charges against officers.

SEC. 17. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council or any committee thereof.

Powers conferred for purposes of investigation.

SEC. 18. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Auditing of accounts and claims against the city.

SEC. 19. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation or with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim, at the discretion of the council. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, certified, or verified as aforesaid, to the council for allowance; or, that the claim was presented without the certificate or affidavit aforesaid, and rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

City library.

SEC. 20. The council may maintain a city library, and may apply to the purchase of books therefor, in addition to the amount received on account of fines and forfeitures, not to exceed one hundred dollars annually; but the librarian shall receive no compensation.

TITLE V.

ORDINANCES.

Style, vote on passage, and time of taking effect.

SECTION 1. The style of all ordinances shall be, "The city of Holland ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

SEC. 2. When, by the provisions of this act, the council has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of the prosecution for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county of Ottawa, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Fines and penalties.

SEC. 3. On the same day, or on the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor, or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

Approval of ordinances by mayor.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall, at the next meeting of the council, report any ordinance returned with objections thereto.

Duty of clerk relative to date of presentation of ordinances for approval.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Revival and amendment of ordinances.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called "the record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Record of ordinances.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate

Publication of ordinances.

Certificate of publication.

stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Proof of ordinances, etc., in court.

SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinance of the city, and in all proceedings in the city relating to or arising under the ordinances, or any ordinances thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

Time and place for commencement of prosecutions.

SEC. 9. Prosecutions for violations of the ordinances of the city of Holland shall be commenced within two years after the commission of the offense; and shall be brought within the city, or in the county in which the city is located.

Recovery of penalties and forfeitures.

SEC. 10. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Idem.

SEC. 11. Such action shall be brought in the name of the city of Holland, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and, except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Suits commenced by warrant.

SEC. 12. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Form of warrant.

SEC. 13. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued

upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

Proceedings.

SEC. 14. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Rendition of judgment.

SEC. 15. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this title shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned, shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine, and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid; and in the latter, for the term named in the sentence.

Execution of judgment.

SEC. 16. The city of Holland shall be allowed the use of the jail of the county of Ottawa, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment, may be sentenced to, and committed to imprisonment in such county jail, or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff, or other keeper of such jail or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto, as aforesaid, until lawfully discharged.

City entitled to use of county jail.

SEC. 17. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State by said officers, or any other officer authorized by law to serve process issued by justices of the peace.

Process, to whom directed.

SEC. 18. It shall not be necessary in any suit, proceeding, or prosecution, for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall

Setting forth of ordinances in complaints, pleadings, etc.

Statement of
cause of action
in complaint,
etc.

be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause, shall take judicial notice of the enactment, existence, and provisions of ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Trial by, and
forming of jury.

SEC. 19. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons, as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Appeal to circuit
court.

Bond or security
and proceedings.

SEC. 20. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Ottawa, by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court, to which the cause shall be appealed or removed by *certiorari*, shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Fines, by whom
receivable.

Payment of
same.

SEC. 21. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff, or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury on or before the first Monday

of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

SEC. 22. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly. Neglect to pay over fines.

SEC. 23. Fines paid into the city treasury for violation of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city. Disposition of fines paid into city treasury, etc.

SEC. 24. The circuit court of the county of Ottawa shall have jurisdiction to hear, try, and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply. Jurisdiction of circuit court and proceedings therein.

SEC. 25. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days. Concurrent jurisdiction of justices of the peace.

SEC. 26. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. Security for costs in certain cases.

TITLE VI.

GENERAL POWERS OF THE CITY CORPORATION.

SECTION 1. The city of Holland shall, in addition to such other powers as are herein conferred, have the general powers and authority in this title mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.: Powers and authority and exercise thereof.

First, To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith; To prevent vice, etc.

To apprehend
and punish
vagrants, etc.
To abate
nuisances.

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

To suppress disorderly houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

To regulate
billiard tables,
etc.

Fifth, To regulate, license, or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball-alleys, and to punish the keepers thereof;

To suppress
gaming.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purposes of gaming;

To suppress ale
houses, etc.

Seventh, To prohibit and suppress ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

To prevent the
sale of liquors.

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors, and to punish any person so doing;

To regulate
shows, etc.

Ninth, To regulate, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted;

To punish viola-
tions of the
Sabbath.

Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

To regulate
auctions, etc.

Eleventh, To license auctioneers, auctions, and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sales of goods, wares, property, or anything at auction; or by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

To license ped-
dlers, etc.

Twelfth, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any

kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds, or buildings in the city;

Thirteenth, To license and regulate wharf boats within the jurisdiction of the city; Wharf boats.

Fourteenth, To establish or authorize, license, and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon; To regulate ferries.

Fifteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses; and all places where tobacco, cigars, and any beverages are kept for sale; To license taverns, etc.

Sixteenth, To license and regulate all vehicles of every kind, used for the transportation of persons or property for hire in the city; To license hacks, etc.

Seventeenth, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over the same; To regulate toll bridges.

Eighteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions; Inspection of provisions.

Nineteenth, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise; Weighing, etc., of merchandise.

Twentieth, To provide for the inspection and sealing of weights and measures; Weights and measures.

Twenty-first, To enforce the keeping and use of proper weights and measures by venders;

Twenty-second, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters; Vaults, cisterns, etc.

Twenty-third, To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; To prevent obscenity.

Twenty-fourth, To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city; Bathing.

Twenty-fifth, To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift-wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; To preserve purity of streams, etc.

Twenty-sixth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher-shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city; Relative to certain shops and offensive places.

Combustible materials.

Twenty-seventh, To regulate the buying, selling, and using of gunpowder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fireworks, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

Drains, cellars, etc.

Twenty-eighth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon;

Mock auctions, etc.

Twenty-ninth, To prohibit, prevent, and suppress mock-auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Lotteries.

Thirtieth, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Hackmen, draymen, etc.

Thirty-first, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers.

Thirty-second, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

Census.

Thirty-third, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same;

General authority of council to enact ordinances.

Thirty-fourth, And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Granting of licenses.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may pre-

Bond.

scribe. Every license shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, or trade, or do any thing for or in respect to which any license shall be required by any ordinance or regulation of the council. Terms of licenses, etc.

SEC. 4. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury to the credit of the general fund. Disposition of moneys received for licenses.

SEC. 5. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement, according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action before any court having jurisdiction of the cause. Ditches, drains, etc., at railroad crossings.

SEC. 6. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining, and repairing of partition fences, by the owners and occupants of adjoining lots, enclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city. Partition fences. Fence viewers.

SEC. 7. The council of the city may make such provision as they shall deem expedient, for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of one or more directors of the poor for the city, and may prescribe their duties, and vest them with such authority as may be proper for the due exercise of their duties. Support of the poor.

TITLE VII.

POLICE.

Provision for
appointment.

SECTION 1. The council of the city of Holland may provide, by ordinance, for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when, in his judgment, the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police, and night watchmen.

Rules for gov-
ernment thereof.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire, and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

Temporary
police.

Marshal as chief
of police.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council.

Powers and
duties of police-
men.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates, of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare, as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night watchman shall have all the powers of constables, and may arrest upon view, and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And

the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each. Fees.

SEC. 6. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed there-to at any time. Suspensions and removals.

TITLE VIII.

CITY PRISON.

SECTION 1. The council of the city of Holland shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein. Provision for, and imprisonment therein.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe. Prisoners may be kept at hard labor.

TITLE IX.

PUBLIC HEALTH.

SECTION 1. The council of the city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require. Contagious diseases.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon Abatement of nuisances.

or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cleaning of unwholesome places.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Removal of dangerous structures.

Recovery of expense of abating nuisances, etc., in cases of neglect.

SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, [or] in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon, or on account of which, such expense was incurred, or from which such nuisance was removed, or abated, and cause the same to be assessed upon such lot or premises, and collected as a special assessment.

Assignment of location for carrying on offensive or dangerous business.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignment at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Establishment of hospitals and detention of persons having contagious diseases.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the

city, shall seem proper; and by direction of the council or board of health, persons having any malignant affections, or contagious disease, may be removed to such hospital, and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

SEC. 7. The council of the city of Holland shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Council invested with powers as boards of health.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health, or any officers thereof.

Establishment of a board of health, and its authority.

TITLE X.

CEMETERIES.

SECTION 1. The city of Holland may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interment therein to such cemetery or burial place as the council may prescribe; and the council may cause any body [bodies] buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Acquisition and regulation as to interments, etc.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

Raising of money for.

SEC. 3. Whenever the city of Holland shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their office for the term of three years, except that, at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May of the

Cemetery trustees, appointment of, etc.

Term of office.

- year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.
- Removals from office.** **Compensation.** **Organization and powers of board.** SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.
- Care laying out, etc., of grounds.** SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered, and the avenues and walks to be named; and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.
- Sale of lots.** SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery, expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.
- "Cemetery fund."** SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported,—which report shall be verified by the oath of the clerk of the board.
- Report of trustees.** SEC. 8. The council of the city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the ap-
- General authority over cemetery**

purtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

Protection of church cemeteries, etc.

TITLE XI.

POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

Pounds, pound-masters, and the impounding of animals, etc.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

Fees, charges, and penalties.

TITLE XII.

HARBORS, WHARVES, AND HARBOR MASTERS.

SECTION 1. The council of the city shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, basins and canals, upon any lands or property belonging to or under the control of the city; and for that purpose the city shall have the use and control of the shore or bank of any lake or river within the city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing and landing privileges, upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Establishment of wharves, docks, etc.

SEC. 2. The council shall have authority also to require and cause all docks, wharves, and landings, whether upon the public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

Grade and limit for construction of docks, etc.

Regulations relative to the use of public wharves, docks, etc.

SEC. 3. The council shall have authority to prohibit the incumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the city; regulate the use and location of wharf-boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public and private wharves, docks, and landings, and collect wharfage and dockage from boats, water craft, and floats landing at or using any public landing place, wharf, or dock within the city.

Preservation of purity of waters.

SEC. 4. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter, or any injurious thing; to control and regulate the anchorage, moorage, and management of all boats, water craft, and floats within the jurisdiction of the city; to prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the docks, wharves, and landings, by boats, water craft, and floats; and to regulate and prescribe by such ordinances or through a harbor master or other officer, such location for any boat, craft, vessel, or float, and such changes of station in and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels, and floats; and generally to enact and enforce such ordinances and regulations, not inconsistent with the laws of the United States and of this State, as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the city.

Anchorage, etc., of boats.

SEC. 5. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

General powers to enact ordinances relative to harbors, etc.

SEC. 6. The council may also appoint a harbor-master, wharf-masters, port-wardens, and such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe, in respect to and over the navigable waters, harbors, wharves, docks, landings, and basins within the city, and in respect to the navigation, trade, and commerce of the city, and prescribe the powers and duties of such harbor-masters and other officers, and to fix the compensation to be paid to them.

Licensing of tugs, rates of towage, and opening of bridges.

Appointment of harbor masters, etc.

SECTION 1. The council of the city of Holland may regulate and license ferries from such city, or any place or landing therein, to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper; and may impose such reason-

TITLE XIII.

FERRIES.

Regulation, etc., of.

SECTION 1. The council of the city of Holland may regulate and license ferries from such city, or any place or landing therein, to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper; and may impose such reason-

able terms and restrictions, in relation to the keeping and management of such ferries, and the time, manner, and rates of carriage and transportation of persons and property, as may be proper, and provide for the revocation of any such license, and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

TITLE XIV.

MARKETS.

SECTION 1. The council of Holland City shall have the power to erect market houses, establish and regulate markets and market places, for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Erection and regulation of market houses, etc.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

Rules to prevent fraud and preserve order.

TITLE XV.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

SECTION 1. Holland City may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

Acquisition, use, and disposition of.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Of hospitals, work houses, water works, etc., outside city limits.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue, public grounds and parks within the city, and to improve, light, and ornament the same, and

Of parks within city.

to regulate the care thereof, and to protect the same, and the ap-
purtenances thereof, from obstructions, encroachments, and injury,
and from all nuisances.

TITLE XVI.

SEWERS, DRAINS, AND WATER-COURSES.

- Establishment and construction.** SECTION 1. The council of Holland City may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.
- Board of sewer commissioners.** SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may, by ordinance, prescribe their powers, compensation, terms of office, and duties.
- Plan of drainage.** SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as they shall determine.
- Main sewer districts.** SEC. 4. Such plan shall, in the discretion of the council, be formed with a view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.
- Plats.**
- Special sewer districts.** SEC. 5. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer and such lands as, in the opinion of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.
- Trunk sewers.** SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams, or plats of which shall be recorded in the office of the city clerk, in the book of sewer records.
- Payments for sewers.** SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than one-sixth of the

cost and expense of any main district sewer, or of the cost of any lateral branch, or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof, in the district, and the proposed route and location of the sewer, and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, with respect to such sewer.

Diagram and estimate of cost.

Notice of intention to construct sewers.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district, and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade, and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk in the book of sewer records.

Determination to construct district sewer declared by resolution.

Apportionment of expenses.

Record of plat.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

Special assessments.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Formation of sewer districts on petition.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or

Construction of private drains.

Connection of premises, etc., with public sewers.	occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.
Owners of such premises to pay an annual fee therefor.	SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.
Special assessments for ditches, etc.	SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.
Expenses of repairing and reconstructing.	SEC. 15. Such part of the expenses of providing ditches and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.
Protection and control of public sewers, etc.	SEC. 16. The expenses of repairing public sewers, ditches, and water-courses, may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.
	SEC. 17. The council may enact such ordinance as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

TITLE XVII.

STREETS AND PUBLIC GROUNDS.

Control and repairing of.	SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance.
Care of streets not accepted by council.	SEC. 2. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands, which had not been actually accepted, worked, and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.
Laying out, altering, or vacating streets.	SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assess-

ments upon the property adjacent thereto, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund. Expenses thereof

SEC. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground in any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the alderman [aldermen] elect. Vacating of streets.
Notice of meeting to hear objections.
Filing of objections with city clerk.

SEC. 5. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all matters therein set forth. Survey of streets and record of same.
Record of resolution vacating streets.

SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk. Street grades and making of adjacent improvements.
Record of grades, etc.

SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed, in conformity to grades established by authority of the city, and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but Expense attending change of grade when not asked for.

the expense of all improvements occasioned by such change of grade shall be chargeable to, and paid by the city.

Damages resulting by change of grade.

SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf, or landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

Authority for paving streets, etc.

SEC. 9. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes, and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "pavings," shall be deemed to include the construction of crosswalks, gutters, and curbing.

"Paving" defined.

Apportionment of paving, etc.

SEC. 10. Such part of the expenses of improving any street, lane, or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same, as the council shall determine, may be paid from the general street fund, or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

Idem.

When public property fronts improvement.

SEC. 11. When the expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as, in the opinion of the council or board of assessors making the special assessment, would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or, if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in each special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if, from the shape or size of any lot, an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council, or board of assessors making the assessment, may assess such lot for such number of feet frontage as, in their opinion, will be just.

SEC. 12. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets, and alleys of the city, and to remove the same; and to punish those who shall obstruct, encumber, encroach, or maintain any encroachments, upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance, and encroachment.

Obstructions,
etc., in streets.

SEC. 13. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the city, and for the protection thereof; and may light the streets and public places, and to regulate the setting of lamps and lamp-posts therein, and protect the same.

Planting of
shade trees and
lighting of
streets, etc.

SEC. 14. The council may regulate the making of all openings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times, and upon such terms and regulations as they may prescribe.

Laying of gas-
pipes, etc.

SEC. 15. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire, to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, and telegraph poles in or over the streets; to prohibit immoderate riding or driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city, as are conferred by law upon highway commissioners in townships.

Regulations as
to use of streets.

Stands for vehi-
cles.

Wood and hay
markets, etc.

Signs, etc.

Immoderate
driving.

Gathering of
crowds.

Running at large
of animals and
fowls.

Cleaning of
streets and
removing of
nuisances.

General author-
ity over streets.

TITLE XVIII.

SIDEWALKS.

Construction,
etc., and expense
thereof.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

Idem.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, material, and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe.

Removal of
snow, ice, etc.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

Proceedings in
case of neglect.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisance, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

Expense a tax
upon property.

Placing of signs,
awnings, etc.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or any nuisance upon the walk.

Lot owners liable
for injuries
resulting from
their neglect.

SEC. 6. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

TITLE XIX.

COST OF IMPROVEMENTS.—SPECIAL ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: for city hall and other public buildings, and offices for the use of the city officers, engine-houses, and structures for the fire department, for water-works, market-houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, lands appropriated for streets and rights of ways, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When, by the provisions of this act, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this title provided.

Certain improvements to be paid for from the general fund.

Making of special assessments.

SEC. 2. There shall be a board of assessors in Holland City, consisting of the city surveyor and two other members, who shall be freeholders and electors in the city, to be appointed by the council. Their compensation shall be prescribed by the council. Special assessments, authorized by this act, shall be made by such board. If a member of the board shall be interested in any special assessment, directed by the council, they shall appoint some other person to act in his stead in making the assessment, who for the purpose of that assessment shall be a member of the board.

Board of assessors, their compensation and duties.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from the street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Apportionment of expense of contemplated improvements.

SEC. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof, and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least, in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered except by the concurrence of two-thirds of the aldermen elect.

Estimates, plans, etc., deposited with clerk.

Notice of meeting to consider objections.

Ordering of the work.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction. In no case shall the whole amount be levied by special assessment upon any lot or

What costs and expenses shall include, and per cent of special assessments.

premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding city tax-roll; any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

Special assessment levied before making improvement.

SEC. 6. Special assessments, to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Directions to board of assessors as to special assessments.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality, constituting the district to be assessed.

Assessment roll.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon, and against such persons, the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

Board to report completion to council.

Assessments according to frontage.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed; unless, on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

According to benefits.

Special assessments other than those to be made *pro rata*.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which, by the provisions of this act, the council is authorised to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or persons performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

Determination of proportion of expense chargeable against individual lots.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied, as a special assessment; and as often as the council shall

deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment.

Reported by clerk to assessors.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy, as a special assessment therein, upon each lot or parcel of land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Special assessment roll in accordance therewith.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this title directed, the same shall be filed in the office of the city clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks, at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk.

Reported to council.

Filed with city clerk.

Notice of meeting to review assessment.

Objections filed with clerk.

SEC. 14. At the time appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary, and confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it, and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation.

Review, correction, and disposition of roll.

Certificate of date of confirmation.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

Confirmation final.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person to whom assessed until paid.

Assessments a lien on land and charge against persons.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding eight per cent.

Division into installments.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

First installment due upon confirmation.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all

Special assessment roll for each installment.

unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Assessors to
appoint and col-
lect installments
in case of
division of lots.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Additional
assessments in
case of a
deficiency.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Surplus refunded

New assessment
roll to be made
in case of
irregularity in
proceedings.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

Lien for equit-
able charges
not impaired by
decree vacating
assessment.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as, by a regular mode of proceeding, might have been lawfully assessed thereon.

Payable assess-
ments may be
reported to
supervisors.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor a description of such lots and premises as are contained in the special assessment roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said

Levy of sums
assessed.

tax roll shall be collected and enforced with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

SEC. 25. When any special assessment shall be confirmed, and be payable, as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city collector to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

Council may order a direct collection of such assessment by city collector.

SEC. 26. Upon receiving said assessment roll and warrant, the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the collector shall seize and levy upon any personable [personal] property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Collection of amounts assessed.
Seizure and sale of goods.

SEC. 27. The city collector shall pay the moneys, and all the percentage collected by him, into the city treasury, and take the treasurer's receipt therefor, and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the collector shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Disposition of proceeds.

Costs of sale.

Disposition of money by collector, and return of roll and warrant.

SEC. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city collector shall perform the same duties, and make the like returns, as above provided. In case any assessment shall be finally returned by the city collector unpaid, as aforesaid, the same may be certified to the supervisor in the manner provided in section twenty-four of this title, and shall

Renewal of warrant.

Assessments finally returned unpaid re-assessed with interest.

then be re-assessed with interest included at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next city tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Special assessments may be collected by suit.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll, and a certified order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor.

Judgment may be rendered notwithstanding irregularity.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

TITLE XX.

APPROPRIATION OF PRIVATE PROPERTY.

Purposes for which private property may be appropriated for public use.

SECTION 1. Private property may be appropriated for public use, in the city of Holland, for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters; and for the improvement of water-courses; for sewers, drains, and ditches; for water-works, and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders residing in the city; nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Manner of acquiring.

Council may acquire by purchase.

Proceedings when seizure is necessary.

Selection of justice for empanneling jury.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution describing the proposed improvement, and each parcel of land assigned to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made at a time therein to be stated,

for the empaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the city marshal, or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff or city marshal of the service or posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before or at the time of making said application. And after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings, without further notice, except as herein otherwise provided.

Notice of application for jury.

Service of.

Return by officer, when and where filed.

Effect of notice.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said notice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Empaneling of jury.

Liability of jurors.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any

Interests of infants or incompetents.

petent persons,
how protected.

infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Completing
panel of jury.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Right of chal-
lenge.

Oath of jurors.

Copy of notice,
etc., and of plat,
to be given jury.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Persons over-
looked may file
statement of
interest.

Jury to examine
premises, etc.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this title relating their duties.

To be instructed
by justice.

Determination
and award by
jury.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such

share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury. Report of jury.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket. City attorney to assist jury.
Entry of report in docket.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn, and exercise the same duties as the other jurors of the panel. Relative to disagreement of jury.

Appointment in place of jurors unable to discharge duties.

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney, for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time prescribed in the next section. Copy of reports, etc., for use of council.

Judgment of confirmation.

When not made within forty days.

Appeal to circuit court.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section, may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Bill of exceptions.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the questions to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected, according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings, and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

When court may remand case to justice.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called, and the like proceedings had, as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When parties may proceed to trial.

Appeal of one or more persons not to affect others.

Judgment.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for

Costs.

at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Record and copy of judgment evidence of regularity of proceedings, etc.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

Damages, payment of.

Where deposited when person is unknown or incapacitated.

SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender, or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

When right to property shall vest in city.

Evidence of ownership, etc.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Effect of judgment upon leases.

TITLE XXI.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city organized under this act shall commence on the third Monday in March in each year, unless otherwise provided by ordinance.

Fiscal year.

Authority of council to raise money by taxation.

SEC. 2. The council of the city shall have authority, within the limitations herein prescribed, to raise annually, by taxation within the corporation, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.

Division of revenues raised by general tax.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

General fund.

First, General fund, to defray the expenses of the city, for the payment of which from some other fund no provision is made;

Fire department fund.

Second, Fire department fund, to defray the expense of purchasing grounds, erecting engine-houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

General street fund.

Third, General street fund, to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing, and cleaning the streets, alleys, and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;

General sewer fund.

Fourth, General sewer fund, to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water-courses;

Bridge fund.

Fifth, Bridge fund, for the construction and maintenance of bridges;

Water fund.

Sixth, Water fund, for constructing reservoirs and cisterns, and providing other supplies of water;

Public building fund.

Seventh, Public building fund, for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

Police fund.

Eighth, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Cemetery fund.

Ninth, Cemetery fund;

Interest and sinking fund.

Tenth, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;

Other funds.

Eleventh, Such other funds as the council may from time to time constitute;

Library fund.

Twelfth, Library fund, for the maintenance and support of a city library.

Division of revenues raised in special districts.
Street district fund.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds;

First, A street district fund, for each street district, for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district;

District sewer fund.

Second, A district sewer fund, for each main sewer district, for the payment of the costs and expenses of sewers and drainage in,

and chargeable to the main sewer district, when the city shall be divided into such districts;

Third, Special assessment funds; any money raised by special assessment levied in any special assessment districts, or special sewer district, to defray the the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised. Special assessment fund.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this title are constituted (exclusive of taxes for schools and school-house purposes), shall not, except as herein otherwise provided, exceed in any one year, while the population shall be less than six thousand within the city, one and one-fourth per cent; when the population shall exceed six thousand, it shall not exceed one and one-half per cent on the assessed value of all the real and personal property in the city made taxable by law. Aggregate amount council may raise by general tax.

SEC. 6. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving, and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district. Amount in street district for repairing streets, etc.

SEC. 7. In addition to the above amounts, the council may raise by special assessments in sewer districts and special assessment districts, for the purpose of grading and paving, curbing, graveling, and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements, chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city. Amount in sewer and special assessment districts for local improvements.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer. Tax for use of public sewer.

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon. Tax to provide for interest and sinking fund.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made from the several general funds of the city during the fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings Estimates of expenditures.

to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving, and repairing the streets in the several street districts of the city.

Determination
of amount to
meet deficien-
cies, etc.

SEC. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessments which they require to be levied or re-assessed in the next general tax roll of the city upon lands in any main sewer or special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Annual appro-
priation bill.

SEC. 12. The council shall also, in the said month of September, pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district funds as estimated and determined upon as provided in section ten of this title, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city, but the whole amount so ordered to be raised by tax, or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six, and nine of this title, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or re-assessed with the next general tax, as mentioned in section eleven of this title, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

When and to
whom all sums
ordered in bill
must be certified

SEC. 13. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, and all amounts reported to the council by the board of education, to be raised for schools and school-house purposes, as provided in this act, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October. And all sums ordered in said bill to be levied or re-assessed in street or sewer districts, or as special assessments, shall be certified at the same time, to the su-

pervisor, as provided in title nineteen; and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated, nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditure, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after [making] the annual appropriation for the year, and from loaning the money therefor.

No further sums to be used or raised after passage of bill except as herein provided.

SEC. 15. No improvement, work, repairs, or expense, to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general or street district fund, for any purpose, unless appropriated for that purpose in said bill.

All improvements to be made in pursuance of an appropriation except as herein afterwards provided.

SEC. 16. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered, commenced, or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

Minimum costs of improvements not specified in appropriation bill.

SEC. 17. No public work, improvement, or expenditure, shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

Tax must be levied before work is commenced, etc.

SEC. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

General and street district fund may be raised partly by loan.

Provide as to amount.

SEC. 19. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Loan in anticipation of receipts from special assessments.

Raising greater sums than herebefore provided for, authorized by vote of electors.

Limit of amount.

Ordinance submitting question to vote of electors.

Notice thereof.

Vote by ballot.

Moneys raised for any fund to be credited to such fund.

Surplus at close of year may be transferred.

General fund.

How money can be drawn from treasury.

Warrant not to be drawn after fund is expended

Loans and bonds.

SEC. 20. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this title, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax roll made therein.

SEC. 21. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

SEC. 22. All moneys and taxes raised, loaned, or appropriated for the purpose of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the general fund.

SEC. 23. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk countersigned by the mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

SEC. 24. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred, and payable from such fund, are sufficient to exhaust it. Any warrant, draft, or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments or by previous liabilities, payable from such fund, shall be void as against the city.

SEC. 25. No loan shall be made by the council, or by its authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the

dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase, the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

SEC. 26. Immediately upon the close of the fiscal year, the council shall audit and settle the accounts of the city treasurer, and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments, and the amounts collected on each, and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Auditing of accounts of city officers, etc., at close of fiscal year.

Annual financial statement.

SEC. 27. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city, at least five days previous to the next annual city election.

Statement filed with clerk and published.

SEC. 28. If any officer of the corporation shall directly or indirectly appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation, or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property, may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Appropriation of public moneys to private use prohibited.

Penalty.

TITLE XXII.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The supervisor shall in each year make and complete an assessment of all the real and personal property within the city liable to taxation under the laws of the State, and of all the prop-

Assessment of property and duties of supervisors in addition thereto.

erty of any person liable to be assessed therein, in the same manner, and within the same time, as required by law for the assessment of property in the townships of the State, and in so doing, shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within the city shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Assessment of persons who falsely claim exemption on the ground of residing elsewhere part of the time.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the supervisor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or is liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the collector or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Board of review.

Quorum.

Powers and duties relative to correcting roll.

Meetings.

Record of proceedings.

Notice of meeting.

SEC. 3. The senior alderman of each ward, the mayor, supervisor, and city attorney, shall constitute a board of review, a majority of whom shall constitute a quorum. They shall have power, and it shall be their duty to examine the annual assessment, and correct any errors found therein; to reduce, equalize, or increase the valuation of any property found on said roll, and to add thereto any taxable property in said city that may have been omitted, and to value the same, for which services they shall be entitled to receive the same compensation as the supervisor. They shall, on the third Monday of May, meet at the office of the clerk, in said city, and shall continue in session four days successively, at least six hours in each day during said four days; and any person desiring so to do may examine his or her assessment on said roll, and may show cause, if any, why the valuation thereof should be changed, and the said board shall decide upon the same, and their decision shall be final; and the said board shall keep a record of their proceedings, and all changes made by them in said roll, and their records shall be deposited with the city clerk, whose duty it shall be to attend the meetings of said board and keep the records pertaining to the same. It shall be the duty of the said supervisor to deliver the assessment roll to the said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their records, the said supervisor shall again take such roll into his possession. The clerk shall give notice of such meeting by publishing the same in one of the newspapers of said city, at least ten days previous to the holding of such meeting.

SEC. 4. When the board shall have reviewed and corrected the assessment roll of the city, they shall, in addition to the certificate required to be made by the supervisor, add their own certificate to the roll, signed by at least a majority of them, showing that they have reviewed the roll, and within thirty days thereafter the supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council. The board of review shall have authority to equalize, alter, amend, and correct any assessment, or valuation, and to place upon the assessment roll of the city any taxable property, real or personal, not already assessed, held, or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

Board to certify to corrected assessment roll.

Further powers of board.

SEC. 5. On or before the first Monday in October in each year the city clerk shall certify to the county clerk of Ottawa county the aggregate amount of all sums which the council require to be raised for the year for all city purposes, and for schools and library and school-house purposes, by general taxation upon all the taxable property of the whole city.

Certificate to county clerk of amount to be raised during the year.

SEC. 6. Said county clerk, as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, in the city, according to the valuation of the property appearing upon the assessment roll of said city for such year, as equalized by the board of supervisors, and certify to the supervisor of the city, for assessment therein, the amount so apportioned to their respective wards, giving the amount apportioned for school and library and school-house purposes, in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in said wards, and in the township of the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the city, as aforesaid.

Equalization and apportionment of amount to be raised in city.

Certified to city clerk.

SEC. 7. On or before the first day of October in each year, the city clerk shall certify to the supervisor, for assessment, all amounts which the council require to be assessed or re-assessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment or otherwise, within the city, together with a designation of the district or description of the land or person upon or within which the several sums are to be assessed or re-assessed, with such further descriptions and directions as will enable the supervisor to assess the several amounts upon the property and persons chargeable therewith.

Clerk's certificate to supervisor of amounts to be assessed in special districts.

SEC. 8. The supervisor, at the time of levying State and county taxes for the year, shall levy in the same roll upon all the taxable property in the city the amounts certified to him by the clerk of the board of supervisors, as provided in section seven of this title, to be raised for city, school, and library purposes, placing the city taxes in one column, and the school, library, two-mill, and school-house taxes in another column; and he shall also levy in the same

Time and manner of levying tax and making up tax roll.

roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in this act, for assessment or re-assessment, in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column, and a collection fee of five per cent on the tax entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

Amounts levied, certified to collector and clerk.

SEC. 9. The supervisor, upon completing his roll, shall certify to the city collector the amounts of taxes levied in the roll for State and county purposes, and to the city clerk the amounts levied therein for city and school taxes, special assessments, and other purposes, and for collection fees; and he shall charge the amount to the city collector. The city collector shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, the supervisor shall deliver a certified copy of the tax roll, with the taxes extended therein as aforesaid, to the city collector, with his warrant for the collection of the taxes therein annexed thereto.

Bond of collector.

Copy of tax roll, etc., to be delivered to collector.

Contents of warrant.

SEC. 10. The warrant annexed to such roll shall state the several amounts levied therein to be paid into the city and county treasuries, respectively; and shall command the city collector to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, remitting upon all taxes paid before the first day of January next thereafter the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll, as in said warrant directed, on or before the first day of February then next; and the warrant shall authorize the collector, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Distress and sale of goods.

Taxes a lien on lands.

SEC. 11. All taxes levied in said tax roll shall be and remain a lien upon the lands upon which they are levied until paid.

Notice of collector to tax payers.

SEC. 12. Upon receiving the tax roll as above provided, the city collector shall give notice immediately to the tax payers of the city that such roll has been delivered to him, and that the taxes therein levied can be paid to him at his office, at any time before the first day of January then next, without any charge for collection; but that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said first day of January. Said notice shall be given by publishing the same twice in one of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the collector to be at his office at such times, previous to the said first day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said first day of January; but in all other cases he shall collect both the tax and percentage for collection added in the roll. All such percentage for fees

When collector required to be at his office.

When collection fee to be remitted.

collected by him shall be paid into the city treasury to the credit of the general fund, and the treasurer's receipt therefor shall be taken and filed with the city clerk, who shall charge the treasurer with the amount thereof.

Percentage for fees, when paid, etc.

SEC. 13. For the collection of all taxes remaining unpaid on the first day of January, the city collector shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

Taxes remaining unpaid on the first day of January, how collected.

SEC. 14. The county treasurer may issue new warrants to the city collector for the collection of taxes in the same manner and in the same cases, and with the same effect as such new warrant may be issued to township treasurers. The city collector may, and it shall be his duty, to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and the evidence therein brought by township treasurers in the name of their township for such purposes, shall apply to suits brought by the city collector as aforesaid.

Issue of new warrants.

Proceedings by suit for collection of unpaid taxes.

SEC. 15. For the purpose of assessing and levying taxes in the city of Holland, for State, county, school, and library purposes, said city shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisor in the city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city collector shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

City considered as township for certain purposes.

Powers of city collector.

SEC. 16. The city collector shall, within the time specified and directed in the warrant annexed to said tax roll, pay into the city treasury, out of the moneys collected by him on said roll, the amounts specified and directed in said warrant to be paid into the city treasury, and shall take the treasurer's receipts therefor, showing the amounts paid for city, school, and special assessment taxes respectively, and file the same with the city clerk, and the city clerk shall charge the amount of all such taxes to the city treasurer; and shall, within one week after the time for that purpose specified and directed in said warrant, pay to the county treasurer the sums required in said warrant to be so paid, either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Payment of moneys collected to city and county treasurers.

Return and sale of lands for unpaid taxes.

SEC. 17. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in the city, and

City same as a township in respect to delinquent taxes.

returned as delinquent to the county treasurer; and the city, in respect to taxes levied therein and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for State, county, and township purposes, and returned delinquent, shall apply to the return and sale of property, for the non-payment of delinquent taxes levied in the city, except as herein otherwise provided.

TITLE XXIII.

EDUCATION.

City a school district.

SECTION 1. Holland City shall constitute a single school district. Such school district shall be a body corporate, by the name and style of the "Public schools of the city of Holland," and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued, and purchase, acquire, hold, and dispose of such real and personal property as is authorized to be purchased or acquired by this title.

Board of education and organization of same.

SEC. 2. The mayor and school inspectors, elected as provided in this act, shall constitute the board of education of the public schools of the city. They shall elect, from their own number annually, at such time as they shall designate, a president and secretary of the board. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be the treasurer of the public schools.

Powers and duties of board.

SEC. 3. The board of education shall have the control and management of the property, interests, and affairs of the district, and of the schools organized, or that may be organized therein. Said board of education shall have and exercise all the powers conferred upon the district boards and boards of trustees of school districts, by the primary school laws of this State. They shall establish and maintain such primary and graded schools as the public interest may require; and when deemed expedient, shall establish a high school, for instruction in the higher branches of education, authorized by the school laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years residing within the city; and shall be taught for such length of time, at least, during each year, as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

Board to employ a superintendent and teachers, adopt rules, etc.

SEC. 4. The board of education shall appoint and employ a superintendent, and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year,

adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education.

SEC. 5. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for school-houses in the district as may be necessary; and to purchase and procure the lands therefor; and to erect and maintain thereon, in proper repair, convenient and suitable school-houses and buildings for the use of the public schools; and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools; and may sell and dispose of any lands and property of the district when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property, and improvements of the district; and the council shall also pass all necessary ordinances for that purpose.

Duties of board in regard to school buildings, etc.

SEC. 6. The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same, and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys, which said library moneys shall be applied for the support of the city library. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township; and said board shall be entitled to receive from the county treasurer or other officer, for the use of the public schools and city library, all moneys appropriated or apportioned to the city for primary schools and district libraries.

Census of school children.

City considered same as a township for certain purposes.

SEC. 7. Said board shall, in the month of August in each year, publish in at least one of the newspapers of the city, a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amounts of salaries paid to officers, teachers and employes, and to whom paid, the obligations incurred during the year, the amount of indebtedness outstanding, and to whom payable; the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued by them; and also the estimates required to be made of the expenditures for grounds and buildings, and for the support of the schools for the ensuing year and the items thereof, all of which shall be recorded with the proceedings of the board.

Financial report of board and publication of the same.

SEC. 8. An annual meeting of the legal voters of said school district shall be held on the first Monday of September in each year, at which meeting the board of education shall report the receipts and expenditures of the school district for the past year, as provided in the last preceding section. And a majority of the legal voters at such annual meeting shall have all the powers conferred upon such meetings by the primary school laws, subject to the limitations in this title hereinafter contained.

Annual meeting of voters of district; board to make report at.

Estimate of
school expense
for ensuing year.

SEC. 9. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs, and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds, and the construction of school buildings, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sums so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes next thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness, and interest therein incurred for grounds and buildings, shall not exceed one per cent; and the amount for the support of the schools and for all the other purposes above mentioned, shall not exceed one and one-half per cent on the dollar of the taxable valuation of the real and personal property in the city, as shown by the tax rolls of the preceding year.

Amount of estimate to be raised by tax.

Proviso—Limit of amount.

Borrowing of money by board.

SEC. 10. For the payment of current expenses the board may borrow from time to time in anticipation of the collection of taxes levied, or herein authorized to be levied during the same year for school purposes, such sum, not exceeding the tax, and to be paid therefrom, as they shall deem expedient. For the purchase of grounds and the erection of school buildings, and for the payment of indebtedness incurred for such purposes, the said board may, in addition to all other sums herein authorized to be raised, borrow from time to time, upon such terms and time as they shall find expedient, any sum not exceeding in any one year one per cent of the taxable valuation of the property in the district. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

Limit of amount

Bonds.

Provision for raising an excess over one per cent.

SEC. 11. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the electors of the district present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in ten public places in the city at least ten days before the meeting.

Bond of treasurer.

School moneys deposited with treasurer.

SEC. 12. The treasurer shall give bond to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school moneys receivable from the county treasurer and from the collection of taxes, and other sources, shall be deposited with the treasurer of the public schools, and

shall not be used, applied to, or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the public schools, shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Duplicate receipts.

SEC. 13. The secretary of the board shall receive such compensation for his services as such officer as the board shall determine; otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Compensation.

SEC. 14. All the school buildings, property, and effects situated within the city at the time of its incorporation under this act, shall, upon such incorporation, be vested in, and be the property of the district hereby designated as the public schools of the city; and all the debts and liabilities of any school district within the territory incorporated as a school district by this act, and the just share and portion of the debts of any district, a part only of which shall be included with such newly created district, shall be the debt of, and be paid by, the new district; and any suit pending against any such former school district, shall be continued to judgment. Any tax levied and uncollected in any such former district, shall be collected and enforced in the same manner as if such new incorporation had not taken place.

Property, etc., of former school districts to vest in new district, etc.

TITLE XXIV.

FIRE DEPARTMENT.

SECTION 1. The council of the city shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employes, firemen, and officers.

Establishment and maintenance of.

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Fire engines, reservoirs, etc.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Engine houses, etc.

SEC. 4. The engineer of the fire department shall be the chief

Engineer and his duties. of the department, and subject to the direction of the mayor shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus, and property, subject to such rules and regulations as the council may prescribe.

Assistant engineers and officers.

Authority of certain officers to command assistance at fires.

And the council may appoint such assistant engineers and other officers of the department as may be necessary.

SEC. 5. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department, may command any person present at a fire to aid in the extinguishing thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city.

Fire wardens, and their duties.

SEC. 6. The council may provide, by ordinance, for the appointment of, and may appoint such number of fire-wardens as may be deemed necessary; and for the examination by them from time to time of the stoves, furnaces, and heating apparatus and devices in all the dwellings, buildings, and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire limits, etc.

SEC. 7. The council may prescribe by ordinance from time to time, limits or districts within the city within which wooden buildings and structures shall not be erected, placed, or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roof shall be constructed.

Location of shops, lumber yards, etc.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and generally, may pass and enforce such ordinances and regulations as they may deem necessary, for the prevention and suppression of fires.

Storing of gunpowder, etc.

Certain buildings may be declared nuisances.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Compensation of firemen.

SEC. 10. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries. The council may prescribe suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

SEC. 11. The engineer in charge of the department at any fire,

with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damage determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

Pulling down
of buildings at
fires.

Compensation
for building so
destroyed.

SEC. 12. The council or the city may, by ordinance, prescribe such regulations to be observed by owners, masters, and employes of steamboats and water-craft as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft, and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

Control of water
craft to prevent
fires.

TITLE XXV.

MISCELLANEOUS.

SECTION 1. All process against the city [shall run against the city] in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance mentioned therein.

Service of pro-
cess.

SEC. 2. No lands or premises shall hereafter be laid out, divided, and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan, and map of such grounds and the subdivision [subdivisions] thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds, until a certificate has been indorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance as provided in this act.

Regulations in
regard to laying
out and platting
additions to city.

SEC. 3. This act shall take immediate effect.

Approved April 1, 1875.

[No. 303.]

AN ACT to re-incorporate the village of Mackinac.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the township of Holmes in the county of Mackinac in the State of Michigan, and known as the islands of Michilimackinac and Round Island, be, and the same is hereby made and constituted a village corporate, by the name and title of the village of Mackinac. Said corporation shall also have full power and authority over the waters surrounding and adjacent to said islands of Michilimackinac and Round Island.

Election of officers and terms of office.

SEC. 2. The following officers of the corporation shall be elected by the qualified electors of said village on the last Tuesday of March, eighteen hundred and seventy-five: one president, one recorder, one treasurer, one assessor, and six trustees. Three of said trustees shall then be elected for one year, and three shall then be elected for two years; and annually thereafter, on the first Tuesday of March, there shall be elected by a plurality of votes by ballot of the inhabitants of said village, having the qualifications of electors under the constitution of this State, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for one year, and until their successors are elected and qualified, and three trustees, who shall hold their office for two years, and until their successors are elected and qualified.

Appointment of officers.**Place of holding election.****Proviso—failure to hold, not to dissolve corporation.**

The common council of said village are authorized and empowered to appoint a village attorney, and such other officers as may be necessary under the provisions of this act. The election of the officers herein provided for shall be held at such convenient and proper place in said village as the common council may appoint for that purpose: *Provided*, That the neglect to hold such election at the time hereinbefore named shall not be deemed to work a dissolution of said corporation, but in such case it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village by posting the same, containing a designation of the time and place thereof, in three of the most public places of said village, for at least ten days before such election shall be held.

Board of inspectors at first election.**Board at subsequent elections.****Electors may choose when members fail to attend.**

SEC. 3. At the first election to be held under this act it shall be under the control of the present president and board of trustees, who shall conduct said election strictly in conformity with the laws of this State, and certify the result thereof; and at every election thereafter to be held in said village under the provisions of this act, the common council of said village, or any two members thereof, shall be the board of inspectors of election, and the recorder of said village shall be the clerk of said board. In case the common council, or the members thereof, shall neglect or refuse to act as inspectors of election at the hour appointed for opening the polls, or shall not remain in attendance during the election, the electors present may choose, *viva voce* a sufficient number from the electors of said village to constitute a board of inspectors, who shall conduct said election, and canvass the votes, and declare the result thereof, as provided in this act.

SEC. 4. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon and shall remain open until four o'clock in the afternoon, and no longer, except in the discretion of said board they may declare a recess from twelve o'clock noon until one o'clock in the afternoon. The name of each elector voting at such election shall be written in a poll list to be kept by the clerk of the board of inspectors thereof. After the close of the polls of said election the board of inspectors thereof shall proceed without delay publicly to count the ballots unopened; and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election shall draw out and destroy unopened so many of the ballots as shall amount to the excess; and if two or more ballots shall be found folded together they shall not be counted, and thereupon the board of inspectors present at such election shall proceed immediately and publicly to canvass the votes given at such election, and shall complete said canvass on the same or next succeeding day, and shall certify and declare the number of votes given for each officer, the names of the persons for which such votes for such office were given, and the number of votes so given for each person, and make out and file a certificate thereof in the office of the recorder of said village within two days after the close of said canvass; and the person having the greatest number of votes for any office shall be declared duly elected to such office; and if two or more persons shall have an equal number of votes for the same office the board of inspectors of such election shall prepare as many slips of paper of equal size as there are persons having an equal number of votes, and shall note the name of one of said persons on each slip and put the same together in a box, and one of the said board shall be blindfolded and proceed to draw from said box the said slips, and the person whose name shall be first drawn therefrom shall be declared duly elected.

Opening and
closing of polls.

Poll lists.

Canvass of votes,
and declaration
of result.

Certificate of
result.

Where filed.

SEC. 5. It shall be the duty of the recorder of said village to give six days' public notice, in writing or printing, in three public places in said village, of the time and place of holding all elections, both annual and special, and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next preceding the day of such election; the recorder of said village shall notify all persons of their election, and to what office they are elected, within five days after the election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause such oath to be filed with the recorder of said village within ten days after he shall have been notified of his election. If the qualification of any person offering to vote at such election shall be questioned, the same shall be determined by the board of inspectors thereof. Upon

Notice of
elections.

Recorder to
notify persons
elected.
Oath of persons
elected.

Qualification of
persons offering
to vote deter-
mined by board
of inspectors.

the examination of such person thereto upon his oath, which may be administered by any member of the board, any person who shall knowingly swear falsely upon such examination shall be deemed guilty of perjury, and upon conviction thereof shall be liable to the punishment provided for that crime by the laws of this State.

President and trustees a body corporate and politic.

SEC. 6. The president and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Mackinac, and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all courts of this State, and of any other place whatever; and may have a common seal, and may alter and change the same at pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation, necessary for the use thereof.

Council to appoint certain officers.

SEC. 7. The common council shall have power to appoint a village attorney, marshal, street commissioner, and all other officers necessary under this act for said village, whose elections are not herein provided for, and to prescribe their duties; but all such appointments shall be made by the president, with the advice and consent of a majority of the common council at a regular meeting of said council. The officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinafter provided for, and give such bonds for the faithful performance of their duties as the said council may deem necessary, and file the same in the office of the recorder of said village.

Oath of office and bond.

Removal of appointed officers.

SEC. 8. A majority of the common council shall have power to remove from office the marshal and any officer appointed by them for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council; but such removal shall not exonerate any such officer or his sureties from any liability incurred. Before the removal of such officer he shall be entitled to have a specification of the charges against him, which are made the grounds of his removal, and an opportunity to be heard in his defense, and the cause of any such removal shall in all cases be made a matter of record by the common council, and clearly expressed on such record.

Resignation of officers.

SEC. 9. The resignation of any officer authorized by this act to be elected or appointed shall be made to the common council, subject to their approval or acceptance.

When offices to be declared vacant.

SEC. 10. If any officer elected or appointed to any office of the corporation shall cease to be a resident of the village, such office shall be thereby vacated; and if any persons elected or appointed to any office under the provisions of this act shall neglect to file their oath of office as required in this act, or shall neglect to file an official bond when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve; and in case

of such neglect, the common council may proceed immediately to cause such office to be supplied as in case of a vacancy.

SEC. 11. It shall be the duty of the president to preside at all meetings of the common council, and in case of his absence the common council may appoint one of their own number as president *pro tem.*, and it shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council, to be observed and executed; and to exercise supervision and control over the conduct of all such officers as may be appointed by the common council, and to examine all complaints against them for neglect of duty, and to recommend to the common council such measures as he shall deem expedient, and in general to maintain the peace and good order and advance the prosperity of the village.

Duties of president.

SEC. 12. The president of said village, *ex officio*, shall be a member of the board of supervisors of the county of Mackinac, and he shall attend all the meetings of said board and be entitled to vote upon all matters that may be brought before the board of supervisors, and for attending all such meetings he shall receive the same compensation authorized by law to be paid to township supervisors for similar services, to be audited by the board and paid by the county.

Member of board of supervisors.

Compensation.

SEC. 13. The village recorder shall safely keep the corporate seal, and all the books, papers, and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and to make a record of all ordinances and by-laws passed by the common council in proper books, to be provided therefor, and copies of all papers duly filed in his office. And transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for that purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasury, which account shall specify the purpose for which such orders were drawn; and his compensation for all such service shall be a salary not exceeding fifty dollars per annum.

Duties of recorder.

Compensation.

SEC. 14. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received, and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder and countersigned by the president; and he shall exhibit to the common council as often, and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also, in the month of February in each year, exhibit a general statement showing the financial condition of the treasury and all other matters relating to his office, and at the expiration of his office to hand over all moneys remaining in his hands, and all books and papers per-

Duties of treasurer.

Annual statement.

Compensation. taining to his office, to his successor. And his compensation for such service shall be a salary not exceeding twenty-five dollars per annum.

Powers and duties of marshal.

SEC. 15. The marshal shall be police constable, and he shall see that the laws are enforced. It shall be his duty to collect village taxes; to serve all processes that may be lawfully delivered to him for service; and he is hereby invested with all the powers, duties, and liabilities of township constables under the laws of this State, and he shall be entitled to demand and receive the same fees as are allowed and paid to constables for similar services, and in addition thereto such other compensation as police constable of said village as the president and common council of [said village] may allow for his services. He shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and ordinances of said village, and to take such person before any justice of the peace of the township of Holmes, to be dealt with as the laws and ordinances of said village shall provide; and may apprehend and imprison any person found drunk in the streets of said village until such person shall become sober; and he shall have power to enter into any disorderly or gaming house, or any other building where he may have good reason to believe a felon to be secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance in the discharge of such duties of any of the citizens of said village if deemed necessary by him.

Bonds of certain officers.

SEC. 16. The village attorney, treasurer, and marshal shall, before they enter on the duties of their respective offices, give sufficient bonds for the faithful discharge of the duties of their offices; said bonds to be approved by the common council and filed in the office of the recorder.

Common council.

SEC. 17. The president and trustees, when qualified and assembled together, shall constitute the common council of the village of Mackinac; and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such times and place as they may from time to time appoint; and they shall have power to impose, levy, and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer, by them appointed, and to impose and collect fines for non-attendance: *Provided*, That no such fine shall exceed five dollars for any one offense.

May impose fines for non-attendance.

Proviso—limit of fine.

Vacancies in office to be filled by appointment.

SEC. 18. Any vacancy in any of the offices of said village, whether occasioned by death, or removal from office, resignation, or otherwise, shall be filled for the unexpired term thereof, by appointment to be made by the common council; and any vacancy in the number of trustees shall be filled in the same manner; and when vacancies shall be filled, the persons appointed shall continue

in office during the unexpired term for which they were appointed, or until their successors are elected and qualified; but no officer appointed by the common council shall continue in office beyond the life-time of the common council by whose authority he was appointed.

SEC. 19. In the proceedings of the common council each member present shall have one vote, and when there shall be a tie the president shall give the casting vote; when required by any member, the votes of all the members of the common council in relation to any act, proceeding, or proposition, had at any meeting, shall be entered at large in the minutes by the clerk, and no resolution, ordinance, or by-law, or any other act for taxing or assessing any property in said village, or the citizens of said village, shall be legal unless passed by a majority vote of the common council, and recorded in their proceedings by the clerk of said council.

Votes and record of in council.

SEC. 20. The inhabitants of said village shall be liable to the operation of any and all township laws relating to township government, except so far as relates to laying out and altering, vacating, and constructing streets, highways, and bridges, and the labor to be performed thereon within the limits thereof; and the said common council are vested with full power and authority to assess such amount of labor upon the real and personal property in said village as they may deem necessary to be performed upon the streets, highways, and bridges in said village; and for that purpose they are hereby invested with the same power given by law to the commissioners of highways, and may make ordinances assessing the real and personal estate of every inhabitant of said village, and upon each house, tract, or parcel of land in said village of which the owner or owners are non-resident, as the same shall appear by the assessment roll, and providing for the return of such taxes assessed or unpaid on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold according to the provisions of this act: *Provided*, Such highway tax shall not exceed one day for every two hundred dollars' valuation, exclusive of poll tax.

Inhabitants liable to operation of township laws.

Assessment of labor upon streets, etc.

Proviso.

SEC. 21. The common council shall prescribe rules for its proceedings. The president and common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers, and fees of the village attorney, marshal, treasurer, and assessor, and other officers, as provided in this act; relative to the time and manner of working upon the streets, lanes, alleys, and bridges of said village; relative to the time and manner of assessing and levying and collecting all highway and other taxes in said village, and shall have the management, control, and supervision of the highways, streets, lanes, alleys, bridges, parks, and public grounds in said village, of the finances, rights, franchises, and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regula-

Power and authority of common council to pass by-laws and ordinances.

Relative to working streets, etc.
Assessing and collecting taxes.

To preserve salubrity of the waters.	tions as they may deem desirable and proper within said village in relation to and for the following purposes: To provide for and preserve the purity and salubrity of the waters of the straits of Michilimackinac, or harbor of Mackinac; to prevent and prohibit the deposit therein of all filthy, unwholesome, or offensive matter:
Proviso.	<i>Provided</i> , Nothing herein contained shall prevent said corporation, or any citizen, from constructing public or private sewers leading into such waters, under just and proper regulations, to be prescribed by the common council; to prevent and prohibit the depositing therein of any structure, earth, or substance tending to obstruct or impair the navigation of such straits or harbor of Mackinac, and to remove all obstructions that may at any time occur therein; to
To regulate the lying at docks, etc., of boats, vessels, etc. Dock fees.	direct and regulate the lying at wharves, docks, or piers, and at anchor of all boats, steamers, vessels, and other water craft; also, to regulate the rate of dock fees or tolls on all goods, wares, and merchandise, and on all animals or other property of every kind whatsoever, landed on such docks, wharves, piers, or in said harbor, and to regulate the discharging, or throwing out, of cargoes and ballast from all vessels, steamers, and other water craft within the
Erection of wharves, etc.	jurisdiction of said village; to permit and grant the right to private corporations, or individuals, to erect or maintain public or private wharves, docks, piers, or warehouses within said corporation, and to own and operate the same; to regulate the erection of all docks or piers so that they shall not impede the navigation of said harbor, or the safe lying at wharves, docks, or piers of boats, vessels, steamers, and all other water craft in the waters of said
To prevent vice, etc.	harbor or straits of Michilimackinac; to prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the
Disorderly houses.	streets or other public places; to suppress and restrain all disorderly houses and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming, or to play at
Gaming.	games of chance, and to punish the keepers thereof; to prevent any species of gaming, and to restrain, regulate, license, and suppress billiard tables and bowling alleys; to prevent and regulate the
Selling, etc., of liquors. Sale of goods at auction.	selling or giving away of any spirituous or fermented liquors; to prohibit and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law; to license and regulate auctioneers, peddlers, and pawnbrokers, and auc-
To license peddlers, etc.	tions, and hawking, and peddling; and to license and regulate the peddling and sale of goods, wares, and merchandise, and other
Sports, etc.	property by hand, hand-cart, show case, show stand, or otherwise, in the public streets; to prohibit, restrain, regulate, and license all
To prevent the violation of the Sabbath.	sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the sabbath, and to require all saloons, drinking houses, shops and other places of business to be closed on the sabbath day, and at
	reasonable hours of the night on week days; to prohibit, prevent,

and abate and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate removal by the marshal of the village, at the expense of the persons creating or continuing the same; to compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous or unwholesome place, house or thing, to cleanse, remove, or abate the same, whenever the common council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said village; to direct the location and regulation of all slaughter-houses in said village, and to prohibit their location within said village; to regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations, which the common council may deem unsightly, dangerous, or injurious, in such places and parts of said village as the common council may designate; to regulate the buying, selling, and using of gunpowder, fire-crackers, and fire-works, and other combustible materials; to regulate and prohibit the exhibition of fire-works, and the discharge of fire-crackers and fire-arms, and to restrain the making and lighting of fires in the streets and other open spaces in said village; to prevent the incumbering or obstructing of streets, sidewalks, crosswalks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance and obstruction; to regulate and require the setting of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes, and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to compel the removal of the same; to provide against horse-racing and immoderate riding or driving in any street, or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving; to prevent and prohibit all persons from bringing in vessels or in any other way into said village any pauper or other person likely to become a charge upon said village; to regulate and prohibit bathing in the public waters within said village; to establish one or more pounds, and regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese or other poultry, in the streets and public places of said village, and to authorize the taking up, impounding, and sale of the same for the penalty incurred and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid; to regulate the ringing of bells and the crying of goods, and to prevent disturbing noises, and obscene and profane language in the streets; to impose taxes on the owners or keepers of dogs; to require them to be muz-

To abate nuisances.

Direct the location of slaughter-houses.

Shops, etc.

Gunpowder, etc.

Fire works.

Incumbering of streets.

Setting of shade trees, etc.

To provide against horse-racing, etc.

To prevent the bringing of paupers, etc., into village.

Regulate bathing. Establish pounds.

Regulate the ringing of bells.

Impose tax, etc., on owners of dogs.

Regulate cemeteries.

To regulate and establish building lines.

Regulate markets, etc.

Sale of hay, wood, etc.

To license boats, etc.

To license tavern keepers, etc.

To appoint a sealer of weights, etc.
To establish fire districts, etc.

zled, and to authorize their destruction, when running at large in violation of any ordinance of said village ; to regulate all graveyards and cemeteries, and to prevent trespassing on the same ; to remove or cause to be removed and reinterred in a proper place all bodies, and to remove all graves, tombstones, or monuments in disused or condemned cemeteries within said village ; to regulate and establish the line upon which buildings may be erected, upon any street, lane, or alley in said village ; to establish, order, and regulate markets ; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds ; to regulate the sale of hay, wood, lime, lumber, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village, and to require the weighing of hay and coal, and the measuring of firewood ; to license all steam, sail, or row boats kept for hire within the jurisdiction of said corporation, all drays and omnibuses, hacks and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license ; to license all persons, or vessels, steamboats, and other water craft, used or engaged for the purpose of trading or selling any produce, goods, wares, or merchandise, within the jurisdiction of said corporation, and to prohibit and prevent said persons, vessels, steamboats, and other water craft from selling or trading within said corporation without first procuring such license and to designate the landings of such boats, or the stands for such vehicles, and prescribe rates of fares and charges for the same ; to license persons to engage in and exercise the business or occupation of tavern-keeper, innholder, common victualer, and saloon-keeper, hotel porters, and solicitors of passengers, and to impose such fees for all such license as the common council may see fit, and to impose penalties upon all persons engaging in any such occupation or business without such license ; to appoint a sealer of weights and measures ; to establish fire districts ; to regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves and stove-pipes, and other things that may be deemed dangerous in causing or promoting fires ; and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the buildings and property in said village against injuries by fires ; and for the prevention and suppression of fires ; and for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and inclosures ; to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the owner or occupant of the buildings in which the same may be ; and every building or structure that shall be constructed, moved, repaired, enlarged, used, maintained, occupied, or allowed to stand or remain, in violation of, or contrary to any ordinance of said village, is hereby declared to be a common

nuisance, and may be abated, taken down, and removed by direction of the common council, at the expense of the owner or occupant, or persons who caused such nuisance; to regulate lumber yards, and regulate the keeping, piling, and storing of fire-wood, timber, lumber, or other easily combustible material, within the limits of any fire district; to construct reservoirs wherever needed, and to provide for supplying the same with water; to build bridges; to construct sewers, drains, and culverts; to provide wells; to grade, gravel, repair, and otherwise improve the streets, lanes, alleys, public grounds, and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground, or place in said village; to fill up and drain any low or marshy land; cleanse and regulate any grounds, yards, basins, cellars, or vaults within said village that may be encumbered with rubbish or unwholesome matter; and to make such other public improvements as may conduce to the general good and prosperity of said village or any part thereof; and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village.

To regulate
lumber yards,
etc.

Construct reser-
voirs, build
bridges, drains,
etc.
Grade streets,
etc.

SEC. 22. The common council shall have power to establish, maintain, and regulate all such fire engines, hook-and-ladder, hose, and bucket companies as may be deemed expedient, and shall provide such companies with fire engines and other implements and instruments, necessary to be used in extinguishing fires, and may appoint, from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members, as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hooks, and ladders, and other instruments and implements in its charge, in good and perfect repair; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the common council, for the purpose of working and examining the fire engine and other implements in its charge, with a view to the keeping of the same in perfect order and repair; and upon any alarm or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire with the engine and other implements of the company, and be subject to the orders of the chief engineer or other person for the time being lawfully acting as chief engineer of the fire department.

Fire companies.

SEC. 23. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village, and also two assistant engineers, either of whom may act as chief engineer in case of the absence or disability of the chief.

Annual election
of chief engineer.

Marshal may require assistance of bystanders at fires.

SEC. 24. The marshal and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

Certificate of membership of firemen.

SEC. 25. Every person belonging to an organized fire company in said village may obtain from the village recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll-tax in said village.

General power of council relative to streets, water-courses, etc.

SEC. 26. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close, and vacate, and improve such streets, highways, alleys, lanes, water-courses, squares, market places, and public parks in said village as they shall deem necessary for the public good and convenience; and if, in the opening thereof, the property or lands of

Taking of private property.

any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises, or property required, and the purpose for which the same are to be used, and that the common council will meet on some day, to be named in the resolution, to take action in the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her, or their agents or representatives,

Notice of meeting of council for.

by personal service of a copy of such resolution, or by publication of a copy of such resolution, by posting such resolution in three of the most public places in said village, or publishing the same in some newspaper circulated in said village, at least two weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any arrangement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct any justice of the peace of the township of Holmes to issue a precept under his hand, in the nature of a *venire facias*, directed to the marshal of said village or any constable of the county of Mackinac, commanding him to summon a jury of twelve disinterested freeholders of said village, to appear before said justice of the peace at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises, or property, which jury being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall

Council may negotiate with owners.

Proceedings in case owners refuse to negotiate.

Summoning of jury.

Oath of jurors.

inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises, or property, for their respective damages or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum, or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, persons, or claimant, before such street, highway, alley, lane, water course, square, market place, or public park shall be made, opened, established, or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises, or property, to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings, by appeal to the circuit court for the county of Mackinac, upon giving notice of his or their intention so to do, to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within twenty days after the verdict of such jury, and the judgment of said justice therein, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process, or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening, or extending such street, lane, alley, square, water course, market place, or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the court as is prescribed by law in case of appeals from justices' courts: *Provided*, *further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury, and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Judgment of confirmation on return of verdict.

Proviso—right of appeal.

Notice of.

Bond of appellant.

Proceedings in court.

Proviso—who to pay costs.

SEC. 27. The common council is authorized to cause such of the streets, highways, alleys, and lanes in said village, as shall have been used for six years or more prior to the passage of this act as public highways, streets, lanes, or alleys, which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described, and recorded in the office of the village recorder, in a book to be denominated the book of "street records;" and the common council shall cause a survey or description and plat of every public ground, highway, park, street, lane, or alley, or part thereof, which shall hereafter be opened,

Survey of streets and record of same.

established, altered, widened, straightened, or the grade thereof established, to be recorded in said book of "street records," and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, alley, or of that part thereof therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the common council vacating or closing any public ground, park, highway, street, lane, or alley, or any part thereof, shall also be recorded in said book of "street records," and the same shall be evidence as aforesaid.

Poll tax.

SEC. 28. The common council shall have full power and authority to levy and collect a capitation or poll tax, not exceeding one dollar, upon each legal voter of said village over the age of twenty-one and under fifty years of age, except paupers, idiots, and lunatics, and other persons who are exempt by the laws of this State, and they may provide by ordinance for the collection or commutation of the same, and also to levy and collect taxes on all real and personal property not exempt from taxation, within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year one per cent upon the valuation of real and personal property, and exclusive of highway and capitation or poll tax, unless the qualified electors of said village shall determine at the annual village election to increase that amount by a majority vote of all the qualified electors, to be taken by ballot, in a box provided for that purpose, which amount so determined to be levied shall be exclusive of and in addition to any taxes which may be levied by virtue of the provisions of this act, as a special assessment for public or local improvements; and every tax lawfully imposed by the common council shall be and remain a lien upon such lands, tenements, and hereditaments until the same shall be paid.

Levy and collection of taxes.

Proviso—limit of amount.

Taxes a lien.

Assessment roll.

SEC. 29. The assessor of said village shall once in each year, between the second Monday of April, and the second Monday of May, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the name of all persons liable to pay a capitation or poll tax, as provided for in this act; and shall estimate and set down in such roll the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said roll shall be so made and completed the assessor shall immediately give notice thereof by publishing the same in some newspaper printed in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village for ten days next previous to the time for review therein stated; and such notice shall give the time when and the place where he will be and have said roll for inspection and review; at the time and place so appointed, the assessor, on the application of any person interested, may reduce the said valuation on sufficient cause being shown on oath to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer; if any person or persons shall feel aggrieved by the final decision of the assessor,

Notice of completion.

such person or persons shall have the right of appealing from such decision at any time within ten days thereafter, to the common council, who are in like manner hereby authorized to reduce such valuation; and the common council may, at any time before the tax is collected upon such assessment roll, correct any description of real estate which they may find erroneously described in said roll; the assessor shall complete and deliver said assessment roll to the village recorder on or before the first day of August in each year.

Appeal from final decision of assessor to council.

Council may reduce valuation and correct descriptions in roll.

Delivery of roll to recorder.

SEC. 30. It shall be the duty of the common council once in each year, and immediately after the assessor shall have delivered said assessment roll to the recorder as herein provided, to certify said assessment roll back to the assessor with the amount of general and highway tax to be raised, together with any special tax or assessment for public or local improvements authorized by any of the provisions of this act, which certificate, endorsed on said assessment roll, shall be signed by the recorder and countersigned by the president of said village; the assessor shall, immediately after receiving the assessment roll with the amount to be raised thereon, as herein provided for, proceed to estimate and cause to be set down in a column opposite to the several sums therein set down as the value of real and personal estates, the respective sums in dollars and cents to be paid as a general and highway tax or assessment thereon, and the tax upon real estate shall be set down in a column by itself; any special tax or assessment for public or local improvements, authorized by any provisions of this act, may be included in said assessment roll, and shall be set down in a column by itself on said roll, and one dollar opposite the name of every person liable to pay a capitation or poll tax in said village, and he shall also set down in said roll any tax upon the owners or keepers of dogs, authorized by this act; and the last column of said roll shall contain the total amount of taxes; the assessor shall, on or before the first day of August in each year, cause a copy of said roll, when completed as aforesaid, to be made, and shall annex to such copy a warrant under his hand, commanding the marshal of said village to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, on or before the day specified in such warrant, and directing him to pay such money, when collected, to the treasurer of said village, by a day certain therein named, not less than forty days from the date of said warrant, and authorizing him, in case they or any of them shall neglect or refuse to pay the same, to levy the same by distress and sale of his or her goods and chattels, together with the costs of such distress and sale, and said warrant may be renewed from time to time as the common council may deem best.

Council to certify roll back to assessor.

Assessor to apportion tax.

Special assessments may be included in roll.

Delivery of copy of roll and warrant to marshal for collection.

SEC. 31. It shall be lawful for the assessor of said village, at any time after the general tax roll is made out, and until the first day of September in each year, to assess all merchandise or other property owned or used by any non-resident or transient trader, doing business within the limits of said village, as if the same had been in the village at the time of making out the general tax roll of said

Assessor may assess merchandise, etc., of non-resident or transient traders

Separate tax roll for same. village; it shall be the duty of said assessor to make out a separate tax roll for the taxes to be levied thereon, and after the common council shall have certified said tax roll back to the assessor, together with the amount of highway and general tax, and all other tax to be levied thereon authorized by the provisions of this act, it shall be the duty of said assessor to cause said roll to be completed and delivered to the marshal of said village, to be collected in the same manner as provided for the collection of other taxes in this act; said assessor shall be entitled to receive such compensation as the common council shall deem reasonable for his services as provided in this act.

Marshal to collect.

Compensation of assessor.

Duty of, in collecting.

Distress and sale of goods.

Notice of, and manner of conducting sale.

Marshal's statement of unpaid taxes.

Statement to contain description of the land.

Statement and roll to be delivered to recorder.

Sale of lands by recorder.

Notice of.

SEC. 32. The marshal, upon receiving the said copy of tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him on the roll; and in case of a refusal or neglect to pay such taxes, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, wherever found within said village, together with the costs and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice, and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property in accordance with the revised statutes of this State.

SEC. 33. At the expiration of the time mentioned in the warrant annexed to said copy of the tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attached thereto, a statement in writing, under oath, of all taxes so remaining unpaid; and if the same, or any part thereof, are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and, further, that he has not been able to collect the same, nor upon diligent inquiry to discover any goods or chattels, subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the recorder of said village within five days thereafter.

SEC. 34. The recorder, after such statement and copy of roll shall have been delivered to him, shall, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction at some public place in said village, so much of said lands, returned in said statement on account of the non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, first giving at least thirty days' notice of the time and place of sale, by advertisement, posted up in three of the most public places in said village, which advertisement shall contain a description of the land, and the name of the owner, if known, and the amount of the taxes and expenses for non-payment of

which it is to be sold, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village, once in each week for four successive weeks preceding said sale. On the day mentioned in said notice, the recorder shall commence the sale of said lands, and continue until so much shall be sold as will pay the said taxes and expenses; and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the same: *Provided*, That if any parcel of land cannot be sold to any person for said taxes and expenses, the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect, in all respects, as if the same had been given to any other purchaser thereof; upon the completion of said sale the recorder shall deliver to the treasurer of said village a certified statement thereof, containing a description of the land sold, the date of the sale, the particular tax and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved and transcribed by said treasurer, in a book to be provided and kept by him for that purpose; and all moneys received upon such sales he shall at the same time deliver to said treasurer.

Time of.

Certificate of purchase.

Proviso—land may be bid off to council.

Recorder to make statement to treasurer of lands sold.

Delivery of proceeds of sale to treasurer.

SEC. 35. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding the day of sale, redeem any such land or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per cent per annum from the date of sale, for the use of the purchaser; but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment a certificate of the redemption thereof.

Redemption of lands sold.

Certificate of redemption.

SEC. 36. Upon the presentation of any such certificate of sale to the recorder of said village, after the time has expired for the redemption of the lands sold, as aforesaid, he shall, unless such lands have been redeemed, as aforesaid, or the certificate of sale canceled, as hereinafter provided, execute to the purchaser or purchasers, his, her, or their heirs, assigns, executors, or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made, an absolute estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings were regular according to the provisions of this act, from the valuation of the same by the assessor to the date of the deed inclusive; and every such conveyance executed by the recorder, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in all the courts of this State, in the same manner and with like effect as any other conveyance of real estate, or any interest therein; and the common coun-

Conveyance.

When council
may cancel cer-
tificate of pur-
chase.

cil may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned wrongfully for non-payment, by mistake or otherwise, cancel the certificate of sale at any time before conveyance is made, and return the purchase money.

Jurisdiction of
justices of town-
ship of Holmes.

SEC. 37. Any of the justices of the peace of the township of Holmes, are hereby authorized and empowered to inquire of, hear, try, and determine, in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed; and such justices shall have power to hear, try, and determine, all charges, complaints, actions, and prosecutions for the recovery or enforcing of any and all fines, penalties, and forfeitures for alleged violations or infringements of the said by-laws and ordinances, or any of the provisions of this act; the proceedings in all such actions and prosecutions shall be according to, and be governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

Trial by jury.

SEC. 38. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any offense or violation of any by-law or ordinance of said village, he shall be entitled to a trial by jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases the right of appeal and certiorari from the justice's court to the circuit court for the county of Mackinac, shall be allowed to the parties on the same terms, and the same bond shall be given, as is or may be required by law in any cases of certiorari or appeals from justices' courts in other cases.

Conviction or
judgment for
fine, etc., shall
be with costs of
suit.

SEC. 39. Whenever a conviction is had or a judgment rendered for any fine, penalty, or forfeiture, for a violation of this act, or of any by-law or ordinance of said village, it shall be with costs of suit, and execution or commitment may be issued immediately on the rendition of the judgment, in [the] same manner, as near as may be, as under the general laws of this State.

Penalty for
violating ordi-
nances, etc.

SEC. 40. The common council shall have power to impose fines, penalties, and forfeitures, not exceeding one hundred dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both, in the discretion of the court, on all persons offending or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof.

Prosecutions,
how brought.

SEC. 41. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty, or forfeiture for such violation, shall be brought in the name of "the people of the State of Michigan;" and in any suit or prosecution it shall not be necessary to set forth in the complaint or warrant the ordinance or by-law, or any section thereof, the provisions of which are alleged

to have been violated, except by its title, but it shall be sufficient to state in the complaints and warrant, with reasonable certainty of time and place, the act, violation, or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance or by-law, as the case may be, of the village of Mackinac, referring thereto by its title. And all process issued by any justice of the peace in any such suit or proceeding, shall be directed "to the marshal of the village of Mackinac, or to any constable of the county of Mackinac," and the same may be executed within the county.

Process, how directed.

SEC. 42. The style of all ordinances shall be: "The common council of the village of Mackinac ordain." The time when any by-law or ordinance passed by the common council shall take effect shall be prescribed therein: *Provided*, That no by-law or ordinance shall be operative until the same shall have been published ten days successively in a newspaper printed and published in said village, or by written or printed notices posted up in three of the most public places in said village; and like notices shall be given of the repeal or amendment of any ordinance or by-law: *Provided* also, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitutions and laws of the United States or of this State.

Style of ordinances.

Proviso—by-laws or ordinances not operative until published.

Proviso.

SEC. 43. All fines, penalties, and forfeitures recovered for any violation of the provisions of this act, or of the by-laws and ordinances made in pursuance thereof, and all money received for license or from other sources, belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct; and any person who shall refuse or neglect to pay the same as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Penalties and forfeitures, how disposed of.

Punishment for neglect or refusal to pay.

SEC. 44. In suits or proceedings in which the common council of the village of Mackinac shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said village.

Inhabitants not incompetent to serve as jurors.

Proviso.

SEC. 45. The common council shall, in the month of February in each year, cause to be made and published, a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the village attorney, treasurer, marshal, and all other officers and persons having claims against said village, or accounts with it not previously audited, and shall make out in detail a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same

Annual financial statement.

was made, the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on streets, the amount of money borrowed, if any, for what purpose and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village; and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

Accounts against village to be verified by affidavit.

SEC. 46. Before any account or demand of any person against said village shall be audited, allowed, or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Council may borrow money for fire engines, etc.

SEC. 47. The common council of said village may borrow, for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable steam fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*, That the common council shall not borrow to exceed two thousand dollars, for the purpose of buying a steam fire engine and other necessary fire apparatus, unless authorized to borrow a greater amount by a majority vote of the qualified electors of said village, at their annual village election, which vote shall be taken by ballot: *And provided further*, That no greater amount than three hundred dollars of the principal thereof, exclusive of interest, shall become due in any one year.

Proviso—limit of amount.

Proviso—limit of amount to become due in any one year.

Serving of process against village.

SEC. 48. Whenever any action or suit shall be commenced against said village, process against said village shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said village, or at his usual place of business therein, whose duty it shall be forthwith to inform the common council thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder ten days before the return day thereof.

Proviso—first process.

Members of council not to hold other office or be interested in contracts, etc.

SEC. 49. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which would entitle the holder to receive pay from said village, or to be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid by said village, or to become surety for the performance of any official act or duty, to be performed by any person elected or appointed to any office under the provisions of this act.

Supervisor of township of Holmes not to levy highway tax on village.

SEC. 50. It shall not be lawful for the supervisor of the township of Holmes to levy or assess any highway tax upon the taxable property of said village, nor shall the inhabitants of said village be liable to perform any highway labor, excepting such as is ordered by the common council of said village.

Eligibility to office.

SEC. 51. No person shall be eligible to any office in this corporation, unless he shall have resided in said corporation six months

next preceding his election, and who shall not be entitled to vote therein.

SEC. 52. The corporation of the village of Mackinac shall be allowed the use of the common jail of the county of Mackinac for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace for the violation of any by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Village allowed use of county jail.

SEC. 53. Whenever any person shall be committed to the county jail for violating any of the ordinances or by-laws ordained by the common council under the provisions of this act, the said village shall be liable to the sheriff of the county of Mackinac for all board and expense of keeping said person during the time he remains confined in the jail of said county: *Provided*, That such person is not committed for the violation of a by-law or ordinance of said village, which act, if complained of, would subject the offender to a penalty or forfeiture under the general laws of this State, but in such cases the board of supervisors of Mackinac county shall audit and pay the charges of said sheriff, as in other cases of conviction and commitments under the general laws of the State, and the process of commitment under the hand of any justice of the peace of the township of Holmes, shall be sufficient evidence for the said board of supervisors to determine and allow the claim of said sheriff against said county: *Provided*, That nothing herein contained shall prevent said common council from erecting and maintaining a village prison, and any person convicted of violating any of the provisions of this act, or of any by-law or ordinance made by the common council of said village, may be sentenced to imprisonment therein; and any person arrested for a violation of this act or of any by-law or ordinance of said village, or of any law of this State, may be imprisoned in said village prison during the time that shall elapse between the time of arrest and the time of trial or examination, and the common council shall have power to make all necessary rules and regulations for the government of said prison, and to appoint the village marshal the keeper thereof: *And provided further*, That all board, and expense of keeping any prisoner in said village prison, committed for the violation of any ordinance or by-law which, if complained of, would subject the offender to a penalty or forfeiture under the general laws of the State, then, in such case, the board of supervisors shall audit and pay the village marshal or other person in charge of said village prison, for board and all expense of keeping such prisoner in said village prison.

Village liable for board, etc., of persons committed to.

Proviso.

Proviso—council may erect a village prison.

Further proviso—board of persons committed to village prison.

SEC. 54. It shall be the duty of the president, or in his absence the president "*pro tem.*," to receive and lay before the common council at its regular meetings all petitions or remonstrances presented by the citizens of said village, and to give respectful consideration to all matters embraced in such petition. The president and trustees shall not be entitled to receive any compensation from

President to receive and lay before council all petitions, etc.

President and trustees not to receive compensation.

said village for performing the duties imposed by any of the provisions of this act.

Licenses and
record of same.

SEC. 55. All licenses granted by virtue of the provisions of this act shall be registered in a book to be provided by the recorder, and designated a book of licenses; and all licenses shall be signed by the recorder, and countersigned by the president.

Acts repealed.

SEC. 56. All acts and parts of acts, heretofore enacted in regard to said village of Mackinac, shall be and the same is hereby repealed: *Provided*, It shall not affect any act already done under the laws hereby repealed.

Proviso.

Public act.

SEC. 57. This act shall be favorably construed and received in all courts as a public act, and copies thereof printed under the authority of the legislature shall be received as evidence without further proof.

SEC. 58. This act shall take immediate effect.

Approved April 1, 1875.

[No. 304.]

AN ACT to amend section thirty-one of an act entitled "An act to revise the charter of the village of Hudson," being act number two hundred and sixty-six of the laws of eighteen hundred and sixty-seven, approved February twenty-seventh, eighteen hundred and sixty-seven, as amended by act number two hundred and seventy-two, approved April fifteenth, eighteen hundred and seventy-one, entitled "An act to amend an act to revise the charter of the village of Hudson."

Section amended

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of act number two hundred and sixty-six, approved March twenty-seventh, eighteen hundred and sixty-seven, entitled "An act to revise the charter of the village of Hudson," as amended by act number two hundred and seventy-two, approved April fifteenth, eighteen hundred and seventy-one, entitled "An act to amend an act to revise the charter of the village of Hudson" be and hereby is amended so as to read as follows:

Common council to have control of highways, etc.

SEC. 31. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control, and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds of said village; excepting the bridge on Main street across the river in said village, leaving the supervision and control of said bridge to the highway commissioner of the township of Hudson; also of the finances, rights, and interests, buildings, and all property real, and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desi-

Finances and village property.

To make ordinances for the government of the village.

nable and proper within said village, in relation to and for the following purposes:

First, To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; To prevent vice, etc.

Second, To suppress and restrain all disorderly houses and houses of ill-fame, all gambling houses and all houses and places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain, regulate, license, and suppress billiard tables and bowling alleys; To restrain gaming houses, etc.

Third, To prevent the selling or giving away of spirituous or fermented liquors to any drunkard, minor, or apprentice; To prevent sale etc., of liquor.

Fourth, To prohibit or regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers; Auctions, etc.

Fifth, To license and regulate auctioneers, peddlers, and pawn-brokers, and auctions and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand, or otherwise in the public streets; To license auctions, etc.

Sixth, To prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; To regulate exhibitions, etc.

Seventh, To prevent the violation of the sabbath, and to require all saloons, drinking-houses, shops, and other places of business to be closed on the sabbath day, and at reasonable hours of the night on week days; To prevent violation of the Sabbath.

Eighth, To prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village, at the expense of the persons creating or continuing the same; To abate nuisances.

Ninth, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same, whenever the common council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said village; To compel clearing or removal of offensive places of business, etc.

Tenth, To direct the location and regulation of all slaughter-houses in said village, and to prohibit their location within said village; Location of slaughter houses

Eleventh, To regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations which the common council may deem unsightly, dangerous, To regulate the location of certain shops.

or injurious, in such places and parts of said village as the common council may designate ;

To regulate the sale, etc., of combustible materials.

Twelfth, To regulate the buying, selling, and using of gun-powder, fire-crackers, and fire-works, and other combustible materials; to regulate and prohibit the exhibition of fire-works, and the discharge of fire-crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in said village ;

To prevent the incumbrance of streets, etc.

Thirteenth, To prevent the incumbering or obstructing of streets, sidewalks, crosswalks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance and obstruction ;

To regulate the setting of shade trees, etc.

Fourteenth, To regulate and require the setting and securing of shade trees in the streets of said village ; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes, and alleys of said village, and to cause the same to be taken up and removed ; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same ;

To prevent immoderate driving, etc.

Fifteenth, To provide against horse-racing and immoderate riding or driving in any street or over any bridge, and to punish for the same, and to authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving ;

To regulate speed on rail-roads.

Sixteenth, To regulate the speed of locomotives, engines, and cars upon the railroads within said village ;

To regulate bathing.

Seventeenth, To regulate and prohibit bathing in the public waters within said village ;

Relative to pounds and the impounding of cattle, etc.

Eighteenth, To establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese or other poultry in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same for the penalty incurred, and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid ;

To regulate ringing of bells, etc.

Nineteenth, To regulate the ringing of bells and the crying of goods, and to prevent disturbing noises and obscene and profane language in the streets ;

To provide for lighting of streets, etc.

Twentieth, To provide for the lighting of the streets and alleys, and the protection of the public lamps ;

To impose taxes on dogs, etc.

Twenty-first, To impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs ; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of said village ;

To regulate burial of the dead, etc.

Twenty-second, To provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tombstones, trees, shrubbery, prop-

erty, ornaments, improvements, grounds, and fences in and around any cemetery in said village;

Twenty-third, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said village, and to compel such building to be erected upon such line, by fine upon the owner thereof not exceeding five hundred dollars for each offense;

To regulate the location of buildings, etc.

Twenty-fourth, To establish, order, and regulate markets; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village, and to require the weighing of hay and the measuring of firewood;

To regulate markets, etc.

Twenty-fifth, To license all drays and omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stands for such vehicles, and to prescribe rates of fare and charges for the same;

To license drays hacks, etc.

Twenty-sixth, To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-holder, common victualer, and saloon-keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaging in any such occupation or business without such license: *Provided,* That nothing herein contained shall be construed to allow the said common council to grant license for the sale of spirituous or intoxicating liquors;

To license auctions, etc.

Provide.

Twenty-seventh, To appoint a sealer of weights and measures;

Sealer of weights, etc.
Fire districts.

Twenty-eighth, To establish fire districts, within which no wooden buildings shall be moved, built, repaired, enlarged, or placed, or allowed to stand or remain;

Twenty-ninth, To regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures; to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and an apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe, at the expense of the owner or occupants of the buildings in which the same may be; and every building or structure that shall be constructed, moved, repaired, enlarged, used, maintained, occupied, or allowed to stand or remain in violation of, or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down, and removed by direc-

Regulations for the prevention of fires.

To regulate the location of lumber yards, etc.

To construct reservoirs, bridges, sewers, wells, etc.

To improve streets, etc.

To cleanse, etc., unwholesome grounds and places.

tion of the common council, at the expense of the owner or occupant or persons who caused such nuisance;

Thirtieth, To prohibit the maintaining of lumber yards, the keeping, piling, and storing of firewood, timber, lumber, or other easily combustible material within the limits of any fire district;

Thirty-first, To construct reservoirs wherever needed, and to provide for supplying the same with water; to build bridges; to construct sewers, drains, and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds, and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground, or place in said village; to fill up, drain, cleanse, and regulate any grounds, yards, basins, cellars, or vaults within said village, that may be sunken, damp, foul, incumbered with rubbish, or unwholesome, and to make such other public improvements as may conduce to the general good and prosperity of said village or any part thereof; and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1875.

[No. 305.]

AN ACT to amend sections two, three, five, eight, twenty-four, forty, forty-two, and fifty-nine, of "An act to incorporate the village of Pierson," approved March twenty-seven, eighteen hundred and seventy-three.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, three, five, eight, twenty-four, forty, forty-two, and fifty-nine, of "An act to incorporate the village of Pierson," approved March twenty-seventh, eighteen hundred and seventy-three, be so amended as to read as follows:

Officers to be elected and terms of office.

SEC. 2. The following officers of the corporation shall be elected by the qualified electors of said village, at the annual village election, to be held on the first Tuesday of February next, at the public hall in the village of Pierson, viz.: one president, one recorder, one treasurer, one assessor, and six trustees; three of said trustees shall be elected for two years, and annually thereafter, on the first Tuesday of February, there shall be elected by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, and three trustees, who shall hold their office for two years, and until their successors shall be elected and qualified: *Provided*, That if any election of such officers shall not be made on said Tuesday of February, it shall be lawful to hold such election at any time, by giving notice thereof as provided in this act.

Proviso.

SEC. 3. The president, trustees, and recorder of said village, shall be a body corporate and politic, under the name of "The common council of the village of Pierzon," and by that name they and their successors in office shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of competent jurisdiction, and may have a common seal, and may alter and change the same, and by the same name are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate of said village.

President, trustees, and recorder a body corporate.

SEC. 5. No person shall be elected to any office, created by this act, unless at the time of such election he shall be an elector of said village, and shall have resided in said village six months next preceding his election. Nor shall any person be appointed to any office created by this act unless at the time of such appointment he shall be an elector of said village, and shall have resided in such village thirty days next preceding his appointment: *Provided*, That nothing in this act shall be construed to prevent the appointment of a non-resident attorney for said village.

Eligibility to office.

Proviso.

SEC. 8. The president and trustees shall each receive for services rendered by them as inspectors of elections, and when determining what persons are elected to office, as provided in section eighteen, such compensation as shall be allowed by law to inspectors of elections in the several townships of this State, but for all other services rendered by them they shall receive no compensation. The treasurer, recorder, assessor, and all other officers appointed by the common council shall each receive such compensation for their services as the common council shall, by resolution entered upon their records, designate.

Compensation of president and trustees.

Of other officers.

SEC. 24. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from the said village, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid by said village, or become surety for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and any violation of this section shall be deemed sufficient cause for removal from office.

Councilmen not to hold other office or be interested in contracts.

SEC. 40. The common council shall have power and authority to raise annually, by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the power hereby conferred upon them, and they shall, on or before the first day of April in each year, determine by resolution the amount of taxes necessary to be levied for said purpose during the year: *Provided*, That the taxes so determined to be levied shall not exceed in any one year the sum of five hundred dollars, unless the qualified electors of said village shall determine at the annual village election to increase

Council to levy annual tax for expenses.

Proviso—limit of amount.

that amount by a majority vote of all the qualified electors, and the vote may be taken *viva voce*, or otherwise, as the common council of said village may determine and direct, which amount so determined to be levied shall be exclusive of and in addition to any taxes which may be levied by virtue of any provisions in this act as a special assessment for public or local improvement, and every tax lawfully imposed by the common council upon any lands, tenements, or hereditaments in said village, shall be and remain a lien upon such lands, tenements, or hereditaments until the same shall be paid.

Assessment
roll.

SEC. 42. The assessor of said village shall, once in each year, between the first Tuesday of February and the second Monday of March, make an assessment roll, containing a description of all the real estate and valuation of all the personal property liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a capitation or poll tax, as provided for in this act, and shall estimate and set down in such roll the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said roll shall be so made and completed, the assessor shall immediately give notice thereof by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village, for ten days next previous to the time for review therein stated; and such notice shall give the time when, and the place where he will be, and have said roll for inspection and review; at the time and place so appointed, the assessor, on the application of any person interested, may reduce the said valuation, on sufficient cause being shown, on oath, to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessor, such person or persons shall have the right of appealing from such decision at any time within ten days thereafter to the common council, who are in like manner hereby authorized to reduce such valuation; and the common council may, at any time before tax is collected upon such assessment roll, correct any description of real estate which they may find erroneously described in said roll. The assessor shall complete and deliver such assessment roll to the village recorder on or before the first day of April in each year.

Notice of completion.

To state time
and place of review.
Assessor may
reduce valuation.

Appeal from
final decision of
assessor to council.

Council may reduce valuation
and correct descriptions in roll.

Delivery of roll
to recorder.

Annual financial
statement.

SEC. 59. The common council shall, in the month of December in each year, cause to be made and published, a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against said village, or accounts with it not previously audited, and shall make out, in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made, the amount of money expended under such appropriation, the amount

of taxes raised, the amount expended on streets, the amount of money borrowed, if any, for what purpose and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village; and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

To be filed with
recorder.

Approved April 2, 1875.

[No. 306.]

AN ACT to amend section twenty-five of act number four hundred and three of the session laws of eighteen hundred and sixty-seven, being an act to charter the village of New Baltimore, and section two of act number two hundred and ninety-six of the session laws of eighteen hundred and sixty-nine, being an act to revive and continue in force an act entitled "An act to charter the village of New Baltimore," approved March twenty-three, eighteen hundred and sixty-seven, and to amend sections one and two of said act.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-five of act number four hundred and three of the session laws of eighteen hundred and sixty-seven, being an act to charter the village of New Baltimore, and section two of act number two hundred and ninety-six of the session laws of eighteen hundred and sixty-nine, being an act to revive and continue in force an act entitled "An act to charter the village of New Baltimore," approved March twenty-three, eighteen hundred and sixty-seven, and to amend sections one and two [of said act, be amended] so as to read as follows:

Section amended

SEC. 25. The village recorder shall safely keep the corporate seal, and all the books, papers, and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matter therein contained; and he shall keep an accurate account in books provided for such purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasury, which account shall specify the purpose for which such were drawn. In case the recorder shall be absent from any regular or special meeting of the council, the presiding officer may appoint any member of the council to act as recorder at such meeting.

Duties of
recorder.

SEC. 2. The first election of said village under this act shall be held at Abel Davis' house in said village, on the second Monday in April, eighteen hundred and sixty-nine, commencing at nine o'clock in the forenoon, at which time and place there shall be

Time and place
of holding first
election.

chosen by the qualified electors there present, from among their number, two judges and one clerk of said election, who together shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof, and the said board shall conduct the said election as provided in section fifteen of this act, at which election the following officers of the corporation shall be elected by the qualified electors of said village, namely : one president, one recorder, one treasurer, one assessor, and six trustees; three of said trustees shall then be elected for one year, three of said trustees shall be elected for two years, and annually thereafter, on the first Monday of March, there shall be elected by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year and until their successors shall be elected and qualified, and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified. In case the office of recorder, treasurer, or assessor shall at any time become vacant from any cause, the common council shall have power to fill such vacancy, and the person so appointed shall hold his office until the next village election, or until his successor is elected and qualified ; *Provided*, That if an election of such officers shall not be made on said first Monday of March in any year, it shall be lawful to hold such election at any time by giving notice thereof as provided in this act.

Board of inspection, oath of, etc.

Officers to be elected, and terms of office.

Vacancies in certain offices, how filled.

Proviso—of failure to hold election at specified time.

SEC. 2. This act shall take immediate effect.

Approved April 8, 1875.

[No. 307.]

AN ACT to amend an act entitled "An act to incorporate the village of Mt. Clemens," approved April four, eighteen hundred and fifty-one, as amended by act number ninety, approved March fourteen, eighteen hundred and fifty-three, and act number three hundred and seventy-seven, approved March thirty, eighteen hundred and sixty-nine.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That the act of the Legislature of the State of Michigan entitled "An act to incorporate the village of Mt. Clemens," approved April fourth, eighteen hundred and fifty-one, as amended by act number ninety, entitled "An act to amend an act entitled an act to incorporate the village of Mt. Clemens," approved April four, eighteen hundred and fifty-one, approved March fourteen, eighteen hundred and fifty-three, and by act number three hundred and seventy-seven, entitled "An act to amend sections one, six, eleven, and twenty of an act entitled 'An act to incorporate the village of Mt. Clemens,'" approved April four, eighteen hundred and fifty-one, approved March thirty, eighteen hundred and sixty-nine, be, and the same are amended so as to read as follows :

SEC. 2. That all that tract of country [situate] in the county of **Boundaries.** Macomb, and State of Michigan, and designated as follows, viz.: Commencing at a point in the center of the Clinton river where the line between the townships of Harrison and Clinton intersect the center of said river, thence along the center line of said river up stream to a point, the intersection of the line between the lands owned by Campbell and Sackett and the lands of Samuel Wood with the center line of said river, thence north three degrees east, parallel with the west line of private claim five hundred and forty-one, along the line between the lands of Campbell and Sackett and the lands of Samuel Wood, and also between the lands of said Campbell and Sackett and the lands of William Parrot, and the lands of Nicholas Demmer, to the northeast corner of the lands of said Campbell and Sackett in private claim one hundred and sixteen, thence easterly at right angles along the line between the lands of Robert Little and said Nicholas Demmer to a point on the west line of private claim five hundred and forty-one. thence northerly along the west line of said claim five hundred and forty-one to the northwest corner of said claim, thence easterly along the north line of said claim to the northeast corner of said claim, thence southerly along the east line of said claim to a point on the line between the lands of Giles Hubbard and Andrew Griner, thence easterly at right angles along the line between the lands of Giles Hubbard and Andrew Griner, and also along the north line of lands of said Andrew Griner to the center of the North Branch road (so called), thence southerly along the center of said road to a point on the line between the lands of Frances Mitchell and James Canfield, thence south eighty-five degrees forty-five minutes east along the line between the lands of said Mitchell and Canfield to the center of the Fort Gratiot turnpike, thence south twenty-one degrees fifteen minutes west along the center of said turnpike to a point, the center of John street, thence south thirty-seven degrees east along the center of John street and continuation of the center line of said John street to a point, the line between the townships of Clinton and Harrison, thence southerly along said town line to the place of beginning, be and the same is hereby constituted a village corporate under the name of the village of Mt. Clemens.

SEC. 3. The electors of said village shall meet on the first Monday in May, eighteen hundred and seventy-five, at such place as shall be designated by the president and trustees, and there, by ballot, shall elect, by a plurality of votes, one person to be president of said village, and four persons shall in like manner be elected trustees; and annually thereafter a president shall be elected as aforesaid, who shall hold his office for one year, and four trustees shall be so elected, who shall hold their offices two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election. The president and four trustees thus elected, together with

First election and officers to be elected.

Annual election.

Failure to hold election not to dissolve corporation.

President and trustees to constitute village board.

President chief executive officer.

President pro tem.

Clerk to give notice of election.

Opening and closing the polls.

Counting of ballots.

Record of statement. Notice to persons elected.

Judges and clerk of election.

Oath of.

Oath of office.

Record of oath.

Village clerk, appointment of, etc.

President and trustees a body corporate and politic.

Suits against corporation, how commenced.

four trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of the president.

SEC. 4. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in said village; and at all the elections the polls shall be opened at nine o'clock in the forenoon and closed at five o'clock in the afternoon, and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present; and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties on the ensuing Monday.

SEC. 5. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be clerk of the election, and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerk of the election; and such board shall have such power to preserve the purity of the election as is now or may hereafter be given to township boards of election.

SEC. 6. The president, and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability; a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

SEC. 7. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of "The president and trustees of the village of Mt. Clemens," and may have a common seal, which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by

summons, an attested copy of which shall be served upon the president of the village at least six days before the return day thereof: *Provided*, That in case summons cannot, for any reason, be served on the president, it may be served on any one of the trustees. Proviso.

SEC. 8. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and the same to alter and repeal at pleasure for the following purposes, viz: For the appointment of a treasurer, and prescribing his duties, a marshal, three assessors, and such other officers for said village as they may deem necessary; concerning the corporate property and public places and buildings of said village, as they shall deem necessary and right for the preservation and maintenance thereof; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best (but no license shall be in force except during the life of the board granting it); to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors, or apprentices; to prevent or punish immoderate riding or driving in the streets; to abate, prevent, and remove nuisances; to suppress all disorderly houses, and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks, and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes, and every encumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons and fire-works; to construct and regulate markets, the vending of poultry, meats, vegetables, fruit, and fish; to regulate the sale of hay, wood, lime, lumber, and coal; to regulate the ganging of vessels containing liquors; the sealing of weights and measures; to maintain and regulate pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese, or other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets, to borrow money for public improvements, not exceeding three thousand dollars in any one year; to establish wells and cisterns, and prevent the waste

General powers
of village board
relative to the
government of
the village.

General powers
of village board
relative to the
government of
village.

of water; to prevent bathing in public streams; to purchase grounds for, and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use for burial purposes of any burying-ground or cemetery to be discontinued whenever they may deem the same necessary for the best interests or health of citizens; to ascertain, establish, and settle the boundaries of all the streets and alleys, and establish grades therefor; also to order and cause lots to be drained or filled up, and to assess the cost and expenses on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store, or shop to be provided with fire-buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves, and stove-pipe; to regulate the construction of smith-shops, planing establishments, bakeries, and all other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers, and fees of the village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same, to grade the walks, streets, alleys, and to prescribe the manner of planking or paving them, the cost and expense of planking or paving of which, to be paid by assessment on the lots in front of which said improvements shall be made, the grading for paving purposes to be provided for by assessment on the taxable property of the village, and the expenses of grading and paving at the intersection of streets and alleys also to be provided for by assessment on the taxable property of the village; to construct and keep in repair the public highways, bridges, culverts, and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate the running of locomotives and cars in the limits of the village; to regulate grades of rail or plank roads; to regulate theaters, shows, and concerts; to regulate and tax, at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers; to regulate the covering of mill races, at the expense of the owners thereof; to provide for removing drift wood and clearing the Clinton river, and all mill races and ponds within the limits of the corporation, and to prevent the placing therein of any obstructions, and the depositing of all filth and impure matter tending to render the water thereof unwholesome, and to regulate and improve the channel of the Clinton river, so as to secure the free and uninterrupted passage and discharge of the water thereof; to rail and curb, where necessary, all walks, at the expense of the

owners of the adjoining lots, to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county, or State, excepting, also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening, or extending streets, but not until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, as provided for in this act; for the violation of any of the by-laws, rules, and regulations, such reasonable penalties and fines may be imposed by the law itself as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Clinton, and any interest the inhabitants of the village of Mt. Clemens, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause or serve as juror or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Penalty for violation of by-laws, etc.

SEC. 9. All taxes levied upon real estate, and all assessments made thereon for opening, enlarging, extending, paving, grading, planking, or repairing any street or alley, or making and repairing sidewalks, or constructing or widening or repairing sewers, lateral sewers, or drains, shall remain a lien upon said estate until paid.

Taxes levied on real estate for certain purposes, a lien.

SEC. 10. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein; and if one is not printed, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures during the preceding year.

Statement of receipts and expenditures.

SEC. 11. No by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted in three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered at large upon the records of the corporation by the clerk thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

By-laws and ordinances not to take effect until published.

Affidavit of publication.

SEC. 12. It shall be the duty of the president and trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice by publishing thereof, of the time and place of reviewing said assessment roll, under the supervision of the president and one assessor, that any person or persons deeming themselves aggrieved, may be heard; and the roll may then and there be altered if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days the assessors and the president and trustees shall immediately proceed to esti-

Notice of time and place of review of assessment roll.

Alteration of roll.

Apportionment of tax.

- mate, apportion, and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of real estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hands and seal of the assessors, or a majority of them, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein, set opposite their respective names as a tax or assessment; and authorize him, in case any of them shall neglect or refuse to pay such sum, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such moneys, when collected, to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant; and said warrant may be renewed from time to time, as the trustees may deem best. And when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.
- Delivery of roll to marshal for collection.** SEC. 13. If any person shall neglect or refuse to pay the sum or sums at which he shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.
- Renewal of warrant.**
- Legality of special assessment.**
- Distress and sale of goods, etc.**
- Notice of.**
- Separate roll for certain taxes.** SEC. 14. The tax upon the real estate, with all assessments for the purpose named in the ninth section of this act, shall be put down in the said assessment roll by itself, in a column; and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of twenty per cent per annum until paid, shall remain unpaid for one year from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; and an affidavit of such publication recorded in the manner prescribed in the eleventh section of this act shall be deemed *prima facie* evidence of the fact of such publication.
- Sale of land for unpaid taxes and interest.**
- Notice of sale.**
- Time of sale.** SEC. 15. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes

and assessments, as aforesaid, with the interest and charges due, assessed, and charged thereon, as aforesaid; and the treasurer shall give to the purchaser or purchasers of such lands, a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per cent per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Certificate of purchase.

Redemption.

Conveyance.

SEC. 16. If any parcel of land cannot be sold to any person for the tax, interest, and charges, such parcel shall be passed over for the time being; and after the advertised list has been offered, and before the close of the sale, all such descriptions as have not been sold, shall be re-offered; and if on such second offer, ordering the sales, the same cannot be sold for the amount aforesaid, the village trustees shall bid off the same for the village.

When land may be bid off to village.

SEC. 17. All lands bid for the village, as provided in the last preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the village, and such tax shall be a charge upon said land.

Lands bid off to village liable to be taxed.

SEC. 18. The treasurer of the village shall receive the same fees, in cases of sale, as aforesaid, as are allowed by law to the county treasurer for like services, and the expenses in advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of such person's tax, as charged and unpaid.

Fees of treasurer in cases of sale.

SEC. 19. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Manner of drawing money from treasury.

SEC. 20. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and

Members of board of trustees not to become security, etc.

during the term for which he may be elected a member of this board he shall not be interested, directly or indirectly, in any contract or purchase, the expenses or consideration whereof is to be paid out of the village treasury.

Highway fund. SEC. 21. All money assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Term of office of appointed officers. SEC. 22. No officer appointed by the president and trustees shall hold his office more than one year, or until his successor is appointed, and the president and trustees may require of any of them

Bond of. such security, by bond, for the performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the treasurer of the corporation and his successors in office, and suit may be brought for any breach of said bond in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Suit for breach of bond, how brought. SEC. 23. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house or dwelling house, or any other building where he may have good reason to believe a felon is sequestered or harbored, and where any person is who has committed any breach, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Clinton (who shall hear and determine the matter on proof, in a summary way); to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into serving processes issued by justices of the peace in civil cases.

Powers and duties of marshal. SEC. 24. The marshal shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of their whole number for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of his official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Proviso. SEC. 25. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Marshal subject to supervision of president and trustees. SEC. 26. The president and trustees shall each receive, as compensation for services, at the rate of one dollar per day for the time they are actually employed; the marshal, clerk, and treasurer shall

Vacancy in office of, how filled.

Compensation of officers.

each receive such compensation as the president and trustees shall direct.

SEC. 27. The corporation shall be allowed the use of the common jail of the county of Macomb for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Corporation allowed use of county jail.

Proviso—county not chargeable with costs of imprisonment.

SEC. 28. Each member of the fire department, or an engine, hook-and-ladder, bucket, or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury, and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Firemen exempt from poll tax, etc.

SEC. 29. The president and trustees shall be commissioners of highways for said village, and shall have the care, supervision, and control of the highways, streets, bridges, water courses, drains, lanes, alleys, parks, and public grounds therein, and of keeping, preserving, repairing, improving, cleansing, and securing of such highways, bridges, lanes, drains, water-courses, alleys, parks, and public grounds.

Commissioners of highways, powers and duties of.

Whenever the president and trustees shall be applied to in writing by ten or more freeholders of said village, to lay out, establish, open, alter, or discontinue any street, common, lane, alley, highway, water-course, drain, or bridge, they shall proceed to lay out, establish, open, alter, or discontinue the same as hereinafter directed: *Provided*, That no second application shall

Application to, for opening streets, etc.

be made within twelve months for that purpose. Whenever the president and trustees shall be applied to, as before mentioned, to lay out and establish, open, alter, or discontinue such streets, commons, lanes, alleys, highways, water-courses, drains, and bridges, the president and trustees shall give notice thereof to the owners, or occupants, or persons interested, or his or their agent or representative, by personal service, or by posting up notices in three or more public places in the village, stating the time and place when and where the president and trustees will meet to consider the same, which notice shall describe the street, lane, common, alley, highway, drain, water-course, or bridge proposed to be laid out, altered, opened, established, or discontinued, and which notice shall be posted at least ten days before the time of meeting. If, after hearing the persons interested who may appear before them, the president and trustees shall determine to lay out, establish, open, or alter any street, lane, alley, or highway, they may proceed to obtain a release of the right of way for the proposed street, lane, drain, alley, or highway, by gift or purchase. If the terms of such release shall not be agreed upon, it shall be lawful for the president, or in case the president shall be absent, for the village clerk, to apply to any justice of the peace of said village and township for the appointment of a jury of twelve freeholders of the village or township, to inquire into the necessity of using such grounds or

Proviso.

Action upon application.

Notice to persons interested.

Release of right of way.

Proceedings in case release cannot be secured.

Application for jury to appraise damages.

Summoning of jury.	<p>premises, and to appraise the damage thereon to such persons as shall not have released all claim for damages or agreed with the president and trustees on the price to be paid by reason of the establishment, laying out, opening, or altering such street, common, lane, alley, drain, highway, water-course, or bridge, which application shall describe the premises through which it is proposed to open, alter, lay out, establish, or discontinue such street, common, lane, alley, highway, water-course, drain, or bridge.</p> <p>Upon the receipt of such application said justice shall make a list of twelve disinterested freeholders, residing in the village or township, and shall issue a <i>venire</i> under his hand, directed to the marshal of said village or any constable of the county, commanding the officer therein named to summon the persons named in said list to be and appear at his office on some day to be therein named, not less than six days, nor more than twelve days from the time of issuing the same, to serve as jurors to inquire into the necessity of using such grounds or premises, and to appraise the damages occasioned by taking the property described in such application for the purposes of such street, common, lane, alley, highway, water-course, drain, or bridge; and if all the jurors shall not appear, the said justice shall cause a sufficient number of talesman [talesmen]</p>
Summoning of talesmen.	
Oath of jurors.	<p>to be summoned to make a full jury. The jurors shall be sworn by such justice to inquire into the said necessity, and to appraise the damages occasioned by taking the property described in such application for the purposes aforesaid. They shall proceed to view the premises described, and shall, within five days thereafter, make returns to the said justice in writing, signed by them, of their doings, which shall state their finding in regard to the necessity, and the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said justice and filed in the village clerk's office. Such jurors shall be entitled to receive one dollar per day, and fifty cents for each half day, and the justice and marshal, or constable, each one dollar for their fees, and the award of said jury shall be final and conclusive. The damages which shall have been awarded as hereinbefore provided, or which shall have been contracted to be paid by said president and trustees, as in this section provided, and the fees and charges lawfully incurred, shall be levied and collected in said village, and shall be paid on the order of the president and trustees, as in other village charges, and such order for damages shall be delivered or tendered to the person or persons in whose favor such award of damages shall be made, if known, and residents of such village, before such street, lane, alley, or highway shall be opened or used: <i>Provided</i>, The parties in whose favor an award of damages shall be made are unknown or be non-residents, it shall be sufficient to make the award of damages to the "unknown owner or owners, or non-resident owner or owners," of the parcel of land taken, describing it as the parcel through which such street, lane, alley, water-course, bridge, or highway may run; and the unknown parties or non-residents shall be entitled to receive their orders as aforesaid, upon</p>
Duty of jury.	
Return of doings.	
Compensation.	
Collection and disposition of damages, etc.	
Proviso.	

proof to the president and trustees of their ownership of said property so appropriated to the public use. When the damages or compensation aforesaid shall have been paid or tendered to the person entitled thereto, or an order on the village treasurer for the amount of such damages shall have been executed and delivered, or tendered to such person or persons, if known, and residents of said village, said president and trustees shall then give notice to the owner or occupant of the land through which any such highway, street, lane, alley, or common, water-course, drain, or bridge shall have been laid out, altered or established; or if such owner or occupant shall not be known, or be non-resident, then by posting such notice in three public places in said village, and require him, within such time as they shall deem reasonable, not less than thirty days after giving such notice, to remove his fence or fences, and in case such owner or occupants [occupant] shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said president and trustees shall have full power, and it shall be their duty to enter, with such aid and assistance as shall be necessary, upon the premises, and remove such fence or fences, and open such highway, street, lane, alley, and water-course without delay, after the time provided in such notice shall have expired. The said president and trustees shall have all the powers given by statute to highway commissioners, so far as applicable, except as herein otherwise provided; and the village clerk shall discharge the like duties in matters pertaining to highways as are imposed on the township clerk by the provisions of law.

When notice shall be given to remove fences.

President and trustees to have powers of highway commissioners.

SEC. 30. The president and trustees shall also be sewer commissioners for said village, with power to appoint a competent engineer; and with his aid it shall be their duty to make and establish a plan for constructing sewers and drains for said village; and the said president and trustees may establish, construct, maintain, repair, enlarge, and discontinue within the highways, streets, alleys, public and private grounds of said village, such sewers, drains, and lateral sewers and drains, as they may deem necessary and proper, and the public health may require. Whenever they shall deem it necessary in the construction of any sewer, lateral sewer, or drain, to take any land, stream, water-course, water rights, or other private property, the president and trustees shall have power to take the same, and their proceedings thereon shall, so far as applicable, be the same as provided in the preceding section twenty-nine of this act. Whenever the president and trustees shall determine that the whole or any part of the expenses of any public sewer or drain shall be assessed on the owner or occupant of houses and lands to be benefited thereby, they shall declare the same by entry in their records; and after ascertaining, as they may think proper, the estimated expense of such sewer or drain, they shall declare, by an entry in their records, whether the whole, or what portion thereof, shall be assessed to such owners and occupants, specifying the total sum to be so assessed, and the portion of the village which they deem to be benefited by such sewer or drain; and the cost and expenses of making the estimates, plans, and assessments

To be sewer commissioners.

May establish sewers, etc.

Power to take private property.

Expenses of public sewers, etc., how assessed.

Order reciting sewer, etc., and designating commissioners to make assessment.

Delivery of order, etc., to commissioners.

Meeting of commissioners.

Oath of commissioners.

Assessment.

Return of assessment.

Compensation of commissioners.

incident thereto shall be included in the estimated expenses of such improvement. The president and trustees shall thereupon make an order reciting the sewer or sewers, drain or drains, so as aforesaid intended to be made, the amount of expenses to be assessed as aforesaid, and the portion or part of the village on which the same is to be assessed, designating and directing three resident freeholders of said village, not interested in any of the property so benefited, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense, in proportion as nearly as may be to the advantage which each shall be deemed to acquire by the making of such sewer or drain, which order shall be certified by the clerk of the village and delivered to one of said commissioners, together with a map of the proposed sewer or drain, where the same is practicable. It shall be the duty of said commissioners, so designated and appointed by the president and trustees, to meet together at such time and place as the president and trustees shall appoint; or, in case they do not so appoint, at such time as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested; and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the village clerk. In case any such commissioner shall not be able to take such oath, the clerk of the village shall forthwith return that fact to the president and trustees; shall thereupon appoint one or more commissioners, not interested, and not of kin as aforesaid, to make the number three, and proceed in like manner until the three commissioners are sworn as aforesaid. The commissioners thus sworn shall proceed to make an assessment according to said order, and shall make out an assessment roll in which shall be entered the names of the persons respectively; and in case any lots or parts of lots shall be unoccupied, belonging to any person or persons assessed, the value of the property for which they are assessed, and the amount assessed to each of them, residing in said village, such person or persons shall be assessed for the same, and his or their names entered accordingly; and in case such lots or parts of lots shall belong to a non-resident, or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in a township assessment roll made by the supervisor thereof, with the value of the same and the amount assessed thereon, which assessment shall be subscribed by them or a majority of them who acted in the premises, and returned as speedily as may be to the president and trustees of said village. The said commissioners shall receive such compensation for their services as shall be allowed them by the president and trustees, to be paid out of the general fund of said village, not exceeding three dollars per day for each. Upon such return being made and filed, the clerk of the

said village shall cause notice of the names of returned to his office to be published for two successive weeks in two weekly newspapers of the said village, and that the president and trustees will, on such day as they shall appoint, proceed to hear any appeals from said assessment. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the president and trustees shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same persons or by such other persons as the president and trustees shall appoint for that purpose; and in such [case] the same proceedings shall be had as are herein provided upon the first order of the assessment; or the said president and trustees may ratify and confirm such assessment without any correction, or with such corrections therein as they may think proper. Every assessment so ratified and confirmed by the president and trustees as aforesaid shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been so ratified, the president and trustees shall affix to such assessment and tax roll their warrant for the collection thereof, which warrant shall direct the marshal of said village to collect the same within the time prescribed by the resolution of the president and trustees; and the said assessment and tax roll, with the warrant of the president and trustees annexed, shall be delivered to said marshal within the said ten days, who shall thereupon be authorized to levy and collect the same, as he is now authorized by section twelve of the village charter to collect the annual taxes of the said village. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment made for the expenses of any such sewer or sewers, drain or drains in said village. But, when any such assessment shall be made upon, or paid by any person, where, by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest. Nothing herein contained shall impair, or in any way affect any agreement between any landlord and tenant, or other person, respecting the payment of any such assessment. If, upon completion of any such sewer or sewers, drain or drains, for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the president and trustees shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such person or persons and the owner or owners of such property entitled thereto, on demand. If it shall appear that a greater sum of money has been expended in the completion of such sewer or drain than was estimated as aforesaid, the president and trustees may direct the assessment of the same on the owners and occupants of

Notice of review

President and trustees may rectify and amend or order a new assessment.

Warrant for collection.

Delivery of roll to marshal for collection.

Who able to pay.

Apportionment of excess among persons and property assessed.

Deficiency, how assessed.

houses and lands benefited by such sewer or drain in the same manner as herein before directed; and the same proceedings in all respects shall be had thereon, and the president and trustees may enlarge the territory to be assessed for such sewer or sewers, drain or drains. The president and trustees may compel the owner or owners of all unoccupied lots, premises, and subdivisions thereof, within the said village, and contiguous to any public sewer or drain, to construct private drains or sewers from said premises, to connect with the public sewer or drain aforesaid. Said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations as the president and trustees shall prescribe. The president and trustees may also provide by ordinance for the assessment, levying, and collecting of an annual assessment or tax on all lots and subdivisions thereof, and on all cellars, or the premises drained by private sewers or drains connected with any public sewer or drain, that may be benefited by any sewer or drain, such an amount as may be deemed necessary to keep such sewers or drains, or any part of them, in repair.

Owners of unoccupied lots may be required to construct private drains, etc.

Annual assessment on premises connected by private drain with public sewer.

Existing by-laws, etc., to remain in force.

Proviso.

Act to be favorably construed.

Eligibility to office.

Borrowing money for public improvements.

Proviso.

Borrowing money for water supply.

SEC. 31. All ordinances, by-laws, and regulations of the corporation of the village of Mt. Clemens, which are in force at the time of the passage of this act, shall remain in full force and effect as if passed under the provisions of this act: *Provided, however,* That they do not contain anything repugnant to the provisions of this act, or the constitution or laws of this State or the United States.

SEC. 32. This act shall be favorably received and construed in all courts as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof.

SEC. 33. No person shall be eligible to any office in this corporation unless he shall have resided in said corporation three months next preceding his election, and who shall not be entitled to vote therein.

SEC. 34. The president and trustees shall have power to borrow any sum of money, to be used for public improvements in said village, not exceeding two thousand five hundred dollars in any one year, and at a rate of interest not greater than ten per centum per annum, and to fix the time and place of payment of principal and interest, and to issue the bonds or other evidence of indebtedness of said village for the payment of the same: *Provided,* That it shall not be lawful for said board of trustees to borrow more than five hundred dollars in any one year, unless the question of raising a greater sum shall first be submitted to the electors of said village at its annual election, or at a special election called for that purpose by the board of trustees, and a majority of the qualified electors thereof voting at such election shall vote by ballot for such loan.

SEC. 35. The president and trustees shall have further power to borrow any sum of money, to be used exclusively for the purpose of purchasing grounds, rights, privileges, materials, and in making improvements connected with a water supply and protection against fire in said village, not exceeding the sum of fifteen thousand dol-

lars, and at a rate of interest not exceeding ten per cent per annum, and to fix the time and place of payment of principal and interest, and to issue the bonds or other evidences of indebtedness of said village for the payment of the same: *Provided*, That it shall not be lawful for said president and trustees to borrow any portion of said sum of money, unless said question of borrowing the same shall have been first submitted to the electors of said village at its annual election, or at a special election called for that purpose by the president and trustees, two-thirds of the electors voting at said election voting therefor by ballot.

Proviso—question to be submitted to electors.

SEC. 36. The president and trustees shall not raise in any one year by tax upon the property in said village a sum exceeding one per cent of the assessed valuation thereof, to meet the current expenses of such year, unless authorized so to do by a vote of the electors of said village in manner provided for in section thirty-four of this act.

Limit of tax for current expenses

SEC. 37. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Acts repealed.

SEC. 2. This act shall take immediate effect.

Approved April 8, 1875.

[No. 308.]

AN ACT to amend section forty (40) of an act entitled "An act to incorporate the village of Olivet," approved March nineteen, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section forty (40) of an act entitled "An act to incorporate the village of Olivet," approved March nineteen, eighteen hundred and sixty-seven, be amended so as to read as follows:

Section amended

SEC. 40. The common council shall have power and authority to raise annually, by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of November in each year, determine by resolution the amount of taxes necessary to be levied for said purposes during the year: *Provided*, That the taxes so determined to be levied shall not exceed, in any one year, the sum of one thousand dollars, unless the qualified electors of said village shall determine at the annual village election to increase that amount, by a majority vote of all the qualified electors, and the vote may be taken *viva voce*, or otherwise, as the common council of said village may determine and direct, which amount, so determined to be levied, shall be exclusive of and in addition to any taxes which may be levied by virtue of any provisions in this act, as a special assessment for public or local improvements; and every tax lawfully imposed by the common council upon any lands, tenements,

Power and authority of council to raise money by taxation.

Determination of amount necessary to be raised each year. Proviso—limit of amount. Electors may vote to increase.

Taxes a lien.

and hereditaments in said village, shall be and remain a lien upon such lands, tenements, and hereditaments until the same shall be paid.

SEC. 2. This act shall take immediate effect.

Approved April 8, 1875.

[No. 309.]

AN ACT to amend section one of an act entitled "An act to re-incorporate the village of Benton Harbor," approved April third, eighteen hundred and sixty-nine.

Section amended SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to re-incorporate the village of Benton Harbor," approved April third, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Boundaries. SEC. 1. That all that certain tract of land situated in the county of Berrien, and State of Michigan, being in township four south, of range eighteen and nineteen west, and described as follows, to-wit: Beginning half a mile east of the quarter-post on the west side of section nineteen, running thence north parallel with said section line to the east and west quarter line of section eighteen, thence west one mile to the centre of section thirteen, thence south one mile to the centre of section twenty-four, thence east one mile to the place of beginning; shall be known and designated as the village of Benton Harbor.

Corporate name.

SEC. 2. This act shall take immediate effect.

Approved April 9, 1875.

[No. 310.]

AN ACT to amend section two of an act number two hundred and seven, session laws of eighteen hundred and seventy-three, being an act entitled "An act to amend sections one and two of act number three hundred and sixty-five, session laws of eighteen hundred and sixty-nine, entitled 'An act to revise the charter of the village of Chelsea,'" approved March thirty, eighteen hundred and sixty-nine; also to amend section twenty-six of said act number three hundred and sixty-five, session laws of eighteen hundred and sixty-nine, and to add a new section thereto.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number two hundred and seven, session laws of eighteen hundred and seventy-three, being an act entitled "An act to amend section one and two of act number three hundred and sixty-five, session laws of eighteen hundred and sixty-nine, entitled 'An act to revise the charter of the village of Chelsea,'" approved March thirty, eighteen hundred and sixty-nine; also to amend section twenty-six of said act number three hundred and sixty-five,

session laws of eighteen hundred and sixty-nine, be so amended as to read as follows :

SEC. 2. The male inhabitants of said village having the qualifications of electors under the constitution of the State shall meet at such place as the village board may designate in said village, on the second Monday of March annually, at such place as may be provided in the by-laws of said village, and there by ballot shall elect by plurality of votes one person to be president of said village, and three persons shall in like manner be elected trustees for two years, and one person shall be elected clerk, and one person shall be elected assessor, and one person shall be elected marshal, and one person shall be elected treasurer, and annually thereafter a president, clerk, assessor, marshal, and treasurer shall be elected as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election. The president and three trustees thus elected, together with the three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village. He shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of president.

SEC. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways to repair and keep in order the highways, streets, and alleys; and shall cause a tax to be levied and collected upon the real and personal property of said village, not exceeding one thousand five hundred dollars, nor less than two hundred dollars in any year, and no other highway taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of fifty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, shall be liable to pay a poll tax of one dollar, to be collected by the treasurer; and any person so liable to pay a poll tax, who shall neglect or refuse to pay the same within ten days from the time of the demand made by the treasurer, shall forfeit to the use of said corporation the sum of five dollars, to be recovered in the name of the president and trustees in an action of debt before any justice of

Annual election.

Officers and terms of office.

Of failure to hold election at specified time.

President and trustees a village board.

President, duties of, etc.

President and trustees, powers and duties of, in relation to streets, etc.

Proviso—power
to remove fences
not restricted.

Further proviso
—property not
exempt from
township tax.

Section added.

Paving of
streets, etc.

the peace of the township of Sylvan, and the president and trustees shall cause a list to be made and delivered to the treasurer, in the month of April in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the townships of Sylvan or Lima for said townships, or for any special expenditure for laying out, opening, working, or improving any highway of said townships, or for any damage for which said townships may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair, and all bridges within the corporate limits of said corporation shall be kept in repair, and be under the care and supervision of the commissioners of highways of the townships of Sylvan and Lima, at the expense of the said townships respectively.

SEC. 2. There shall be a new section added to said act to stand as section thirty-three, and to read as follows:

SEC. 33. The president and trustees shall have power to pave the streets, lanes, and alleys in said village, and shall have full power and authority to provide for paying the costs and expenses of making, constructing, and repairing such pavements by assessment on the owners or occupants of the lots in front of which pavements may be directed to be made, constructed, or repaired, and that all assessments for paving lanes and alleys shall be made upon the premises or lots upon both sides of such lanes and alleys, and the president and trustees shall have power to pass such ordinances as shall be requisite and necessary to enforce this section.

SEC. 3. This act shall take immediate effect.

Approved April 9, 1875.

[No. 311.]

AN ACT to legalize the proceedings of the county drain commissioners of the county of Washtenaw, in the laying out and construction of the drain known as the "Ludwick drain," in the township of Northfield, Washtenaw county, Michigan, and to provide for the levy and collection of a tax to pay for the same.

Proceedings of
drain commis-
sioner in laying
out and con-
structing drain
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the proceedings of the county drain commissioner for the county of Washtenaw in the laying out and construction of the drain known as the "Ludwick drain," in the township of Northfield, in said county, be and the same are hereby declared legal and valid,

as though the map of said drain, made or caused to be made by said commissioner, had shown the width of said drain and the number of acres of every section or part of section of land to be benefited by said drain, and as though the report of said commissioner had been signed by said commissioner; and the report of said commissioner is hereby declared legal, valid, and binding.

SEC. 2. The board of supervisors of the county of Washtenaw are hereby authorized and directed to charge the aggregate of the sums mentioned in the said report of said commissioner, to-wit: The sum of five hundred and eighty-four dollars and one cent against the said township of Northfield, and the said board of supervisors are hereby required at their next regular meeting to direct the supervisor of the township of Northfield, Washtenaw county, to levy against the several parcels of land described in the report of said commissioner, the amount of the tax mentioned in said report against each parcel of land respectively provided; and the supervisor of said township of Northfield is hereby required, when so directed by said board of supervisors, to levy the same accordingly; and the said supervisor of said township of Northfield is hereby required to direct the township treasurer of said township of Northfield, and it shall be the duty of said township treasurer to collect and pay said sums to the county treasurer of said county of Washtenaw, in like manner and at the same time as other taxes.

Levy and collection of tax to pay for same.

SEC. 3. This act shall take immediate effect.

Approved April 9, 1875.

[No. 312.]

AN ACT to authorize the city of Ann Arbor to levy and collect taxes for the purpose of supplying a deficit in the general fund of said city.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Ann Arbor be and they are hereby authorized and empowered to include in the apportionment, levy, and collection of taxes for said city next hereafter to be made, in addition to the sums authorized by section two of title five of the charter of said city, the sum of two thousand three hundred and seventy-six dollars, being the amount with interest accrued and accruing, of an advance obtained by said common council to meet an accumulated deficit in the general fund of said city, and covered by warrant on the city treasurer, authorized by said common council, payable on the first day of February, in the year eighteen hundred and seventy-six.

Council authorized to levy and collect tax to pay deficit in general fund.

SEC. 2. This act shall take immediate effect.

Approved April 9, 1875.

[No. 313.]

AN ACT to authorize the board of public works of the city of Grand Rapids and the commissioner of highways of townships adjacent to the city of Grand Rapids to unite in the improvement of highways lying between said city and townships.

Board of public works authorized to act in conjunction with highway commissioner in working streets, etc.

SECTION 1. *The People of the State of Michigan enact*, That the board of public works of the city of Grand Rapids is hereby authorized, with the approval of the common council of the said city thereto, as by the charter of the said city is provided for with reference to all contracts, estimates, and public works, to arrange and determine with the commissioner of highways of any township, adjacent to said city, for the working on and improvement of the highways laid and running between the said city and said townships, and the expending on said highways of the money or labor to be expended thereon by the said city and townships respectively, and to arrange and determine with the said commissioner, if deemed advisable, what portion of said highway shall be worked and improved by the said city, and what portion thereof shall be worked and improved by the said townships, respectively.

SEC. 2. This act shall take immediate effect.

Approved April 9, 1875.

[No. 314.]

AN ACT to amend sections seven and eight of article three, of an act entitled "An act to incorporate the village of Clio."

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections number seven and eight, of article three, of an act entitled "An act to incorporate the village of Clio," being act number two hundred and fifty-nine of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three, be amended so as to read as follows:

Term of office of all officers.

SEC. 7. The term of office of all officers shall commence immediately after their election and qualification, and continue until the election and qualification of their successors.

Time of holding annual elections.

SEC. 8. Elections for officers shall be held on the second Monday of April in each year at such places as shall be designated by the board of trustees, except as provided for at the first election.

Approved April 9, 1875.

[No. 315.]

AN ACT to detach certain territory from the township of Roscommon, in the unorganized county of Roscommon, and attach the same to the township of Higgins, in said county.

Territory detached from Roscommon and attached to Higgins.

SECTION 1. *The People of the State of Michigan enact*, That township twenty-three north, of range one west, be and the same is hereby detached from the township of Roscommon and attached

to the township of Higgins, in the unorganized county of Roscommon.

SEC. 2. This act shall take immediate effect.

Approved April 9, 1875.

[No. 316.]

AN ACT to amend section five of article six of an act entitled "An act to revise the charter of the village of Decatur," being an act entitled "An act to incorporate the village of Decatur," approved March sixteenth, eighteen hundred and sixty-one, said act to revise the charter of the village of Decatur approved April twenty-fifth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That section five of article six of an act entitled "An act to revise the charter of the village of Decatur," being an act entitled "An act to incorporate the village of Decatur," approved March sixteenth, eighteen hundred and sixty-one, said act to revise the charter of the village of Decatur, approved April twenty-fifth, eighteen hundred and seventy-three, be amended so as to read as follows:

SEC. 5. Whenever the land of any person shall be required for purposes named in this act the common council shall so declare by resolution, stating therein a description of the land or premises required, with particularity sufficient for a conveyance thereof, and the purposes for which the same are to be used, and the common council will meet at a time and place named in the resolution to take action in regard to the same; and a copy of such resolution shall be given to the party or parties interested in such land or premises, if residents of the county of Van Buren, ten days next preceding the time of such meeting; if non-residents of said county of Van Buren, copies of such resolution shall be posted up in three public places in said village of Decatur, and a copy published in a newspaper published in said county of Van Buren three weeks next previous to the time of such meeting: *Provided*, however, That if such party is an infant or a person of unsound mind, such copy shall be served on his or her guardian, as above provided: *And provided further*, That if such infant or person of unsound mind has no guardian, then said common council may make application, by petition, to the circuit court in chancery for said county, or to the probate judge of said county, for the appointment of a guardian, and said court or judge may, upon such application, appoint a special guardian, who shall have all the powers to act in regard to the matter as they could in their own behalf. And the common council is hereby authorized to negotiate with the party or parties interested in such land or premises for the same, and to pay therefor such reasonable sum as may be agreed upon; but, if for any cause there shall not be an agreement or bargain between the parties therefor, the common council, at the meeting appointed in such resolution, shall direct the recorder to make

Sections amended.

Proceedings when private property is required for public purposes.

Copy of resolution to be given to owner, etc.

Provide—when to be served on guardian.

Further proviso—proceedings in case there is no guardian.

Council may negotiate for property.

Proceedings in case council cannot negotiate.

Application for jury.	application to a justice of the peace of the township of Decatur, in said county, for the appointment of a jury of twelve freeholders of said county residing outside of said village of Decatur, to ascertain the necessity of the purpose named in said resolution, the using of such land or premises for such purpose, and the damages and just compensation therefor due the party or parties interested in
How made.	said lands or premises, which application shall be in writing, describing the lands and premises, and the purpose for which the same are required as in said resolution, and naming the party or parties interested in such land or premises, and the interest of such party or parties in such land or premises, signed by the recorder under the seal of said village. Upon the receipt of such application the justice shall appoint a time and place for that purpose, and shall issue a citation or notice stating the time and place thus fixed, and the purpose of such meeting, which shall be served by the marshal or any constable in said village on the party or parties interested in such land and premises at least five days before such time by delivering a copy thereof to such party or parties, if found within said county; if not found within said county, by leaving a copy at the last place of residence of such party or parties; and in case the party or parties do not reside in said county, such citation shall be served by posting up copies thereof in three public places in the village of Decatur five days before the time of meeting. At
Notice to parties interested, and appointing time and place of meeting.	the time and place of meeting the justice shall have a list of twenty-four freeholders residing outside of said village of Decatur, and the corporation and party or parties interested in such land or premises, each respectively, may object to six on the list, and if either party fails to appear, or refuse to act, the justice and the other party, or the justice alone, may strike out the names of twelve, and the remaining twelve shall constitute the said jury, and the justice shall thereupon fix the hearing of such application for not more than five days, except by consent of the parties, at a time and place certain. The justice shall then annex to the application a precept in the nature of a <i>venire facias</i> , directed to the marshal or any constable of said township of Decatur, commanding him to summon the said jurors to appear before him (the said justice) at the time and place fixed for such hearing, to serve as jurors to act on such application. And the right of challenge, enforcement of attendance, and the summoning of talesmen is hereby conferred the same as in justice courts, except the said justice shall name the talesman. When such jury shall be duly impaneled, they shall be sworn by said justice to ascertain and determine the necessity of the purpose stated in said application, the using of the land or premises therein described therefor, and the damages and just compensation therefor due the party or parties interested in such land or premises. After having elected from their number a chairman, who shall preside over their deliberations, and decide upon the admissibility of testimony offered, he being hereby authorized to administer oaths to such as are required to testify in such proceeding, also a clerk from their number, who shall keep a true record of the proceedings had before
How served.	
Impanelling of jury.	
Summoning of jurors.	
Right of challenge and summoning of talesmen.	
Oath of jury.	
Duty of jury.	

them; the said jury shall proceed to view said land or premises and hear such proofs as either party may offer, and make return to said justice in writing, signed by them, stating their determination as to the necessity of the purpose set forth in such application, the using of said land or premises therefor, and the damages and just compensation due therefor, the party or parties interested therein, as ascertained by them, together with the record of their proceedings; thereupon the said justice shall certify to the same, together with a copy of all proceedings had before him, all of which shall be filed in the office of the recorder. In case the jury shall fail to agree, the said justice shall immediately, or at such time and place as to which the proceedings may be continued, not exceeding two days, prepare a new list as aforesaid for a jury, and the same proceedings shall be had on such application as aforesaid. The recorder, immediately on the filing of the return and proceedings aforesaid, shall notify the president of the common council of the same. The president shall, within five days after receiving such notice, call a meeting of the common council to take action upon such return; and in case said return is that the purpose named in such application is necessary, and the using of such land and premises therefor is necessary, the common council shall, at such meeting or adjourned meeting thereof, affirm by resolution such return, and declare said land and premises appropriated to said purpose. And the sum or sums so awarded shall be paid or tendered to the party or parties entitled thereto, if residing in or can be found in said county, otherwise to be paid into the village treasury for the use of such party or parties, before said land or premises shall be occupied for such purpose. Whenever land or premises are appropriated under the provisions of this act for any of the purposes therein named, the recorder, under the direction of the common council, shall give the party or parties interested in the same, notice thereof in writing, in the same manner, as near as may be, as is provided in this section for serving the resolution of the common council first above named, requiring him or them to remove all buildings, fences, or other things on the same within such time as the common council shall fix by resolution, not less than sixty days after [giving] such notice. If the party or parties upon whom said notice shall be served, as aforesaid, shall neglect or refuse to remove his building or buildings, fence or fences, or other things on said land or premises within the time specified in such notice, the common council shall have full power and authority, and it shall be their duty to enter, with such aid and assistance as shall be necessary, upon the said land or premises, and remove such building or buildings, fence or fences, or other things, and use such land or premises for such purpose without delay, and the said party or parties interested in such land or premises shall pay all costs and expenses of removing the same, to be collected by the village of Decatur in an action of trespass on the case.

Justice to certify proceedings and file the same with recorder. When justice may impanel a new jury.

Notice to council of filing proceedings. President to call meeting of council.

Payment or tender of sums awarded.

Notice to persons to remove buildings, etc.

Proceedings when parties neglect or refuse to remove buildings, etc.

SEC. 2. This act shall take immediate effect.

Approved April 9, 1875.

[No. 317.]

AN ACT to change the name of the township of La Croix, in Emmet county, to Cross Village.

La Croix, name
changed to Cross
Village.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of La Croix, in Emmet county, be and the same is hereby changed to that of Cross Village.

Debts, liabilities,
etc., to remain
binding on Cross
Village.

SEC. 2. All debts, liabilities, rights, privileges, and immunities of every nature, incurred by said township of La Croix, by or with any persons or corporations, shall remain as binding and valid against said township of Cross Village as they would have been had the name not been changed.

SEC. 3. This act shall take immediate effect.

Approved April 9, 1875.

[No. 318.]

AN ACT to legalize the acts of the Riverside Cemetery Company of Hastings.

Preamble.

WHEREAS, The Riverside Cemetery Company of the city of Hastings, a corporation organized under the laws of the State of Michigan, have failed to elect officers within the time prescribed by law, but have continued to do business and sell rights of burial and issue certificates therefor, which business has been transacted by the original officers of said company, and in the same manner as if said officers had been legally and duly elected from year to year, as required by the laws of said State; therefore

Acts of cemetery
company legal-
ized.

SECTION 1. *The People of the State of Michigan enact*, That the acts of said Riverside Cemetery Company of the said city of Hastings, in selling rights of burial and in doing and performing such other acts as pertain to the purposes and objects for which such company was organized, be and the same are hereby legalized, and the said company shall have the same right to proceed by law to the collection of any and all claims due the same, whether for rights of burial or otherwise, as such company would have had if the officers of the same had been legally and duly elected from year to year, and as it would have had if the acts and proceedings of such company had been legal and regular in other respects.

Election of
officers and board
of directors.

SEC. 2. Said company shall within sixty days from the date of the approval of this act, and after giving at least ten days' notice by publication in one or more public newspapers printed and published in the city of Hastings, proceed to the election of a president, clerk, treasurer, and board of directors, who shall be chosen from the stockholders of said company, and who shall severally hold their offices for the term of one year, and until their successors are duly elected and qualified.

Term of office.

Appointment of
sexton.

SEC. 3. The officers and board of directors of said company, when duly elected and qualified, may proceed to appoint a sexton, and such other officers of the company as is provided for by law, and

said company shall have the power, out of the moneys of said company, to allow and pay such compensation to the clerk, sexton, attorney, and such other officers of the company as the board of directors may deem fair and proper; such board of directors shall also have power to audit, allow, and pay such outstanding debts against said company as they may deem proper and just.

Compensation of officers, etc.

Board may audit and allow outstanding debts.

SEC. 4. This act shall take immediate effect.

Approved April 9, 1875.

[No. 319.]

AN ACT to amend an act entitled "An act to enable the Lapeer and Port Huron plank road company to charge and receive additional tolls for travel over their road," being act number four hundred and one of the session laws of eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to enable the Lapeer and Port Huron plank road company to charge and receive additional tolls for travel over their road," being act number four hundred and one (401) of the session laws of eighteen hundred and sixty-nine, approved April second, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Section amended

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the Lapeer and Port Huron plank road company to charge and receive for tolls for travel over their road between the city of Port Huron and the village of Brockway in St. Clair county, or so much thereof as they shall rebuild, maintain, and keep in repair, twenty-five (25) per cent in addition to the sums for toll now allowed to be charged and received by law.

Company may charge additional toll over certain portions of their road.

SEC. 2. This act shall take immediate effect.

Approved April 9, 1875.

[No. 320.]

AN ACT to authorize the Fulton Street Cemetery Association of the city of Grand Rapids to sell unoccupied lots and parts of lots for the non-payment of assessments levied thereon.

SECTION 1. *The People of the State of Michigan enact*, That in case any assessment or assessments shall have been, or shall hereafter be lawfully levied by said association upon any lots or parts of lots in the grounds of said association, and the same shall have remained, or shall hereafter remain unpaid for the period of seven years from and after the passage of this act and the levy thereof, the officers of said cemetery association may sell at public auction to the highest bidder the unoccupied lots, lot, or parts thereof, whereon such assessment so levied as aforesaid shall have so remained, or shall hereafter remain unpaid during the period aforesaid, upon giving notice of such sale in the manner provided by law for sale of lands upon executions.

When officers of association may sell lots at auction to pay assessments.

Notice of sale.

Certificate of purchase.

SEC. 2. Upon such sale of any lots, lot, or distinct portion thereof, for the non-payment of assessments so levied thereon as aforesaid, which shall have remained, or shall hereafter remain unpaid for the period aforesaid, the president of said association shall execute and deliver to the purchaser or purchasers at said sale, a certificate in writing describing the lands purchased and the amounts paid therefor, the time when such sale shall become absolute; and the purchaser or purchasers shall be entitled to a deed or deeds as hereinafter provided.

Redemption.

SEC. 3. Within one year from the time when such sale shall have been made, the lots, lot, or any distinct portion thereof that may have been separately sold may be redeemed by payment to the purchaser or purchasers, his, her, or their personal representatives or assigns, or to the officer of said associations who made such sale, for the use of such purchaser or purchasers, of the sum of money which was bid on the sale of such lots, lot, or distinct portion thereof, together with the interest on the sum paid therefor from the time of sale, computed at the rate of ten per cent per annum: *Provided*, That no burial right, lot, or part thereof shall be advertised for sale, unless the owner thereof or his legal representatives shall have first been notified of the amount of such assessment, by a written or printed notice served upon such owner or legal representatives personally, or by mail, at least six months before such burial right, lot, or part thereof shall be offered for sale.

Proviso—lots not to be advertised until notice is served on owner.

Approved April 9, 1875.

[No. §21.]

AN ACT to incorporate the village of Zeeland, in the county of Ottawa, Michigan.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Zeeland, in the county of Ottawa, and State of Michigan, as is embraced in the following described lands, to wit: All of the north half of northwest quarter of section nineteen (19), and all of that part of the south half of the southwest quarter of section eighteen (18), in town five (5) north, of range fourteen (14) west, which lies on the southerly side of the Grand Rapids and Holland branch of Chicago & Michigan Lake Shore Railroad, is hereby constituted a village corporate, known and designated as the "Village of Zeeland."

Body corporate.

Corporate name.

SEC. 2. The inhabitants resident within the boundaries aforesaid are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of the "village of Zeeland," and by that name they and their successors shall have perpetual succession, may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corpora-

tion may require, and be capable in law of suing and being sued, complaining and defending in any court of law or equity; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least six (6) days before the return day thereof: *Provided*, That in case such summons cannot, for any reason, be served on the president, it may be served on one of the trustees.

Suits commenced to be by summons.

Proviso—on whom served

ARTICLE II.

OFFICERS OF SAID VILLAGE.

SECTION 1. The officers of said village shall be a president, three trustees, one marshal, one clerk, one treasurer, who shall also be collector of taxes and assessments, one assessor, and one pound-master, and such other officers, to be appointed as hereinafter provided, as may be necessary to carry out the provisions of this act. The board of trustees shall consist of the president, the clerk, and three trustees, a majority of whom shall be necessary for the transaction of business, but a less number may adjourn from time to time.

Board of trustees

ARTICLE III.

OF THE ELECTION OF OFFICERS.

SECTION 1. The inhabitants of said village having the qualifications of electors under the constitution of this State, shall meet at the school-house in said proposed village on the first Tuesday in May next, in the year of our Lord one thousand eight hundred and seventy-five, and there proceed, by plurality of votes, to elect, by ballot, from among the qualified electors residing in said village, one president and three trustees, who shall severally hold their office for one year from the date of their election, and until their successors are elected and qualified.

Election of officers.

Term of office.

SEC. 2. At the first election to be held in said village under this act, there shall be chosen, *viva voce*, by the electors present, two inspectors and a clerk of said election, who shall form the board of election, and shall conduct the same, after having taken an oath, to be administered to them by one of their number, to faithfully and honestly discharge the duties required of them as inspectors or clerk of said election, and certify the result in the same manner that the board of trustees are required to do by this act; and subsequent elections shall be held in said village and superintended by the president, clerk, and one of the three trustees: *And further*, That at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of the same day, and no longer; and that the name of each elector so voting at such election shall be written in the poll-list to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors' names contained in the poll-list, the officer or officers holding said

Inspectors and clerk of election.

Oath of.

Opening and closing the polls.

Poll list.

Counting of ballots.

Canvass of
votes.

Certificate of
number of votes
given to be filed
with clerk.

Official canvass.
Tie, how decided

Time of holding
elections after
the first.

Of failure to hold
election at speci-
fied time.

Officers in office
to continue until
others are elected

election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimates on the same day, and shall thereupon certify and declare the number of votes given for each person voted for; and shall file such certificate in the office of the clerk of said village before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the president and trustees shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall happen at any time that two or more persons shall have an equal number of votes for the same office, the president and trustees shall make as many strips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, on one of each of said strips of paper, and shall then put such ballots together into a hat, and one of the members of said board shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

SEC. 3. Elections for officers shall be held on the first Tuesday in May in each year (after the first), at such place as shall be designated by the board of trustees, except as provided at the first election.

SEC. 4. If any election of the officers of said village shall not be held on the day when, pursuant to this act it should be held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election.

SEC. 5. The officers in office in said village at the time of the passage of this act shall continue to exercise the duties of their office until others are elected and qualified under the provisions of this act.

ARTICLE IV.

OF THE QUALIFICATION OF OFFICERS.

Eligibility to
office.

SECTION 1. No person shall be eligible to any office in said village, elected in pursuance of the provisions of this act, unless he shall have resided in said village six months next preceding his election, and be a tax-payer on real estate, and a legal voter of said village.

Members of
board of trustees
not to become
security, or be
interested in
contracts, etc.

SEC. 2. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the term for which he may be elected a member of said board he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

SEC. 3. No officer appointed by the president and trustees shall hold his office more than one year, or until his successor is appointed and qualified; and the president and trustees may require of any of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient; and the board of trustees of said village may require any such officer to renew his official bonds in such amount and with such other and further sureties as they may deem necessary for the interest of said village, which bond shall run to the treasurer of the corporation and his successor in office; and suit may be brought for any breach of said bond, in the name of "the village of Zeeland," as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Term of office of appointed officers.

Bond of.

Board may require renewal of bond.

Suit may be brought for breach of bond.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

SEC. 1. The president shall be *ex officio* a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee.

President *ex officio* member of board of trustees.

SEC. 2. It shall be [the] duties [duty] of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or shall be demanded in writing for any specific purpose, by two of the trustees, or ten electors of said village.

To call special meetings.

SEC. 3. The president shall preside at all elections held under and by virtue of this act.

To preside at elections.

SEC. 4. The president shall see that all the by-laws, rules, regulations, and ordinances of said village are faithfully enforced, and prosecuted in the name of the village of Zeeland, all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations, or ordinances passed by virtue thereof.

To enforce ordinances.

SEC. 5. He shall receive and lay before the board of trustees the official reports of all officers who may be required to make such reports, and in connection therewith suggest the passage of such measures as, in his judgment, the necessities of the village may require.

To lay reports of officers, etc., before the board.

SEC. 6. He shall appoint, by and with the consent of the trustees, such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him, or until his successor in office is appointed and qualified.

To appoint, with consent of trustees, certain officers.

Proviso—term of office.

SEC. 7. The president shall inspect and have the supervising control of the public property belonging to said village, and see that the same is properly cared for and kept in order.

To have control of village property.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

Trustees to attend meetings of board.

To vote unless excused.

Yeas and nays may be demanded

Quorum.

Fine for non-attendance.

Board to have control of finances, etc.

Power of.

To declare and define duties of officers.

To determine amount and sufficiency of sureties.

To provide for care of public property.

To see that officers perform their duties.

To prevent vice, etc.

Selling of spirituous liquors.

Immoderate riding, etc.

To license and regulate theatres, etc.

Prohibit the location of slaughter-houses.

SECTION 1. It shall be the duty of each trustee to attend all meetings of the board, unless absent from said village, or otherwise unable to attend. Every member present shall vote on all questions acted upon by said board, unless excused by the board from voting; and at the request of any member, the yeas and nays upon any question shall be taken, and recorded by the clerk. Any three of said board shall form a quorum for the transaction of business. Any member of the board who shall be absent from any regular meeting, without sufficient cause, may be fined for each case of absence not less than fifty cents nor more than two dollars.

SEC. 2. The board of trustees shall have the control and management of all the finances, and of all real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village.

SEC. 3. The board of trustees shall have full power within said village:

First, To declare and define the duties of the officers of said village whose powers and duties are not specifically prescribed in this act;

Second, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;

Third, To provide for the care, custody, and preservation of public property of said village;

Fourth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them;

Fifth, To prevent vice and immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress and close up all disorderly houses, houses of ill-fame, gambling table, or any other instrument or device for gaming, and to punish the keepers of the same, when so kept, run, or used in violation of any by-law, rule, regulation, or ordinance of said village; and to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, imposters, and drunkards, to be apprehended and punished;

Sixth, To prevent the selling or giving away of spirituous or fermented liquors;

Seventh, To prevent and punish immoderate riding or driving on the streets;

Eighth, To license and regulate theaters, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village;

Ninth, To prohibit the location of slaughter-houses within the limits of said village;

Tenth, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction ; Cleaning of sidewalks.

Eleventh, To prevent the use of fire-arms, fire-works, slung-shots, metal knuckles, and other weapons, and regulate the exhibition of fire-works ; Fire-arms, etc.

Twelfth, To establish one or more pounds, and regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same for the penalty incurred, and the cost of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid ; Establish pounds and regulate running at large of cattle, etc.

Thirteenth, To provide for the sealing of weights and measures ; Weights and measures.
Fourteenth, To build and establish a jail, or lock-up, for the safe keeping of prisoners or offenders of any laws or by-laws ; Build a jail or lock-up.

Fifteenth, To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-holder, common victualer, and to impose such fees for such license as the board of trustees may see fit ; and to impose penalties upon all persons engaged in such occupation or business without such license : To license tavern-keepers, etc.
Provided, That no such license shall authorize the sale of liquor ; Proviso.

Sixteenth, To prevent the erection, and provide for the removal of all buildings deemed unsafe ; Unsafe buildings

Seventeenth, To regulate and require the setting and securing of shade trees in the streets of said village ; Setting, etc., of shade trees.

Eighteenth, To prevent the violation of the Sabbath ; Violation of the Sabbath.
Nineteenth, To prevent the incumbering or obstructing of streets, sidewalks, crosswalks, alleys, gutters, sewers, water-courses, bridges, and public grounds in any manner whatever ; Incumbering of streets, etc.

Twentieth, To prohibit, abate, and remove all nuisances in said village, and to punish the person occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village at the expense of the person creating the same ; To prohibit nuisances, etc.

Twenty-first, To regulate and prescribe the manner of constructing chimneys and fire-place [places], the putting up of stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws, and regulations as the board of trustees shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires ; and for the purpose of enforcing such ordinances, by-laws, and regulations, the board of trustees may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings of every description ; and all lots, yards, and enclosures ; to inspect all fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and to remove and make the same safe at the expense of the owner or occupants of the building in which the same may be. To regulate building of chimneys, etc., to guard against fires.

Power of board
relative to build-
ing sidewalks,
etc.

SEC. 4. The board of trustees shall have full power and authority for building and maintaining sidewalks and crosswalks, and shall be governed by the general law on this subject as provided in the general act prescribing the powers and duties of incorporated villages.

Building of sew-
ers, etc., on pe-
tition of prop-
erty owners.

SEC. 5. The board of trustees shall, upon the petition in writing of a majority of the property owners along the line of any proposed work, praying for the same, direct the building of sewers along the line of, or order and superintend the grading of any street, highway, alley, or lane in said village, and assess the cost and expenses thereof upon the lots lying on either side of and adjoining said work, in proportion that the frontage of each lot shall bear to the whole frontage of all the lots upon which the cost of said work is to be assessed; they shall also have full power and authority to provide for making, constructing, and repairing all sidewalks and crosswalks in said village, and for paying the costs and expenses of the same by assessment, on the owners of the lots, lands, and premises in front of which sidewalks may be directed to be made, constructed, or repaired: *Provided*, That the construction and repairs of all crosswalks be paid from the general fund.

Proviso.

Taking of pri-
vate property.

SEC. 6. The board of trustees may, upon petition of at least ten freeholders, take the land of any individual for the purpose of constructing, widening, or extending any highway, street, alley, lane, ditch, drain, or sewer, but not until such individual shall be paid therefor as provided in article nineteen (19) of this act.

Removing
fences, etc.

SEC. 7. The board of trustees may, upon petition of at least ten freeholders, exercise the power of ordering fences to be removed, or of opening, widening, and extending any highway, street, lane, or alley within said village.

Board may
make ordinances,
etc., to carry out
provisions of this
act.

SEC. 8. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish, and publish, modify, amend, and repeal by-laws, rules, regulations, and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed thirty days, or both, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations, and ordinances shall be posted in at least two conspicuous places for two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village.

Ordinances to be
posted before
taking effect.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

Duties of clerk.

SECTION 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve, and keep all books and papers belonging to said corporation and appertaining to his office,

preserve and take charge of the corporate seal, and attend to the posting of all by-laws or ordinances, rules, regulations, and notices, as the board of trustees shall direct.

SEC. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office within five days thereafter. Poll list, etc.

SEC. 3. The clerk shall give at least five days' notice of the time and place of holding elections under this act. Notice of elections.

SEC. 4. The books and papers in the office of said clerk shall, at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand and tender of fees, at the rate of twenty cents per folio therefor, he shall make a certified copy or transcript of any paper or record filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced. Records, etc., subject to inspection. Fees for certified copies, etc.

SEC. 5. In case of absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate. When clerk is absent trustees to designate person to officiate.

ARTICLE VIII.

OF THE MARSHAL OF SAID VILLAGE.

SECTION 1. The marshal shall have the general supervision of the village, and see that all the by-laws, rules, regulations, and ordinances passed by the board of trustees of said village, according to the provisions of this act, are enforced. Marshal.

SEC. 2. He shall be *ex officio* constable and chief of police, with powers belonging to constables of any township of this State, having power to enter any disorderly or gaming house or dwelling house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace is being concealed; to arrest disorderly persons or felons, and those engaged in disorderly assemblages, and take them before any court of competent jurisdiction, who shall hear, try, and determine the matter; and that in all cases the right of trial by jury shall be preserved: *Provided*, That nothing in this act shall be so construed as to give the marshal the power of serving process in civil cases, nor in criminal cases, for the violation of any general law of the State of Michigan. To be chief of police, power to serve process, etc. Proviso—not to serve process for violation of general laws.

SEC. 3. He shall have the power to compel all able-bodied citizens to aid in the extinguishment of fires. To compel citizens to aid at fires.

SEC. 4. The marshal shall, at all times, be subject to the supervision and control of the president and trustees, and shall, whenever directed by the board of trustees, make complaint in writing and on oath before any justice of the peace for the township of Zeeland, for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act, when-

ever the violation complained of shall have been done in view of said marshal.

Reports.

SEC. 5. He shall report in writing to the board of trustees, from time to time, as he may be required by resolution of the board of trustees, of all his actions and doings by virtue of his office, which report shall be filed with the clerk of the village.

Removal from office.

SEC. 6. The marshal may be removed from office by a majority of vote of the board of trustees, for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties, but the cause of such removal shall, in all cases, be spread at large upon the records of the village.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

Powers and duties of treasurer.

SECTION 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the trustees.

Payment of money by.

SEC. 2. He shall not pay any money on account of said village except upon a resolution of the board of trustees, and on an order signed by the president and countersigned by the clerk.

To keep account of receipts and disbursements.

SEC. 3. The treasurer shall make and keep a correct record and account of all receipts and disbursements, and at the last regular meeting of the board of trustees, prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a record in writing of all the items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation.

To sell land for taxes.

SEC. 4. The treasurer shall have full power to sell and convey all lands for delinquent taxes, as provided for in article sixteen (16) of this act.

ARTICLE X.

OF THE ASSESSOR OF SAID VILLAGE.

Powers and duties of assessor

SECTION 1. The assessor shall have such powers and discharge the duties prescribed in articles fourteen (14) and fifteen (15) of this act, and perform such other services as are provided for in said articles.

ARTICLE XI.

OF VACANCIES IN OFFICE.

Vacancies, how filled.

SECTION 1. A vacancy in the office of any of the officers of said village, except president, shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, or at such other time as they may determine, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all of the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

Election of president pro tem.

ARTICLE XII.

OF THE COMPENSATION OF OFFICERS.

SECTION 1. The president and trustees shall each receive, as a compensation for attendance at the regular meetings of the board of trustees, the sum of twenty-five (25) cents for each meeting, and for all other services by them, or any of them, rendered in the discharge of their official duties at the elections of said village, they should be entitled to receive one and one-half dollars per day each for such services. Of president and trustees.

SEC. 2. The officers of said village, except as provided for in section one of this article, shall receive such compensation as the board of trustees shall by resolution direct. Of other officers.

ARTICLE XIII.

OF THE LIMIT OF TAXATION.

SECTION 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article) upon the taxable inhabitants of said village, and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act. Limit of taxation for general purposes.

SEC. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to taxation in said village, not exceeding in any one year the sum of one-half of one per cent upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys, and lanes of said village, as the board of trustees shall direct. For highway purposes.

SEC. 3. The board of trustees shall have power to levy and cause to be collected, in each and every year, a poll-tax of one dollar upon each and every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of fifty years (except paupers, idiots, lunatics, and others exempted by the laws of this State), and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund. Levy and collection of poll tax.

SEC. 4. No other highway tax shall be levied and collected in said village excepting those mentioned in sections two and three of this article, and the tax specified in said sections shall be included in and subject to the same proceedings as by this act are required to be had upon the general tax. To be considered highway fund.

SEC. 5. The board of trustees may cause to be raised such further sum as they may deem necessary, not exceeding the sum of two per cent upon the assessed value of property in said village, by special tax: *Provided*, That the consent of the majority of the electors of said village, authorized to vote, who are present and voting at an annual or special meeting called for that purpose, first be obtained. Special tax, authority for raising, and limit of.
Provide—to be authorized by vote of electors.

Notice of meeting to vote special tax.

SEC. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published and posted by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in the village newspapers, if there shall be any published in said village, and by posting the same in at least three (3) public places in said village, stating that a meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Form of ballot and manner of conducting election.

SEC. 7. The vote of any special tax shall be by ballot, which shall have written or printed, or partly written and partly printed, on the inside, the words, for the tax, or, against the tax, and be deposited in a separate box, to be labeled village tax, and all other proceedings had therein shall be the same as provided for in this act for holding elections.

Proceeding to be same as for raising general tax.

SEC. 8. The proceedings for [the] assessing, apportioning, reviewing, and collecting such tax so voted, shall be the same as those prescribed in this act for the raising of the general tax.

ARTICLE XIV.

OF THE ASSESSMENT OF TAXES.

Assessment roll.

SECTION 1. The assessor of said village shall, once in each year, on or before the second Monday in June, make an assessment roll, containing a description of all the real estate and the valuation of all the personal property liable to taxation in said village, and the name of the owner or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real and personal property in separate columns.

Notice of review.

SEC. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice by posting in at least four public places in said village, that on a certain day, and at a certain place in said village, therein named, he, together with the president, will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Review of assessment.

SEC. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, the assessor, with the advice of the president, shall then and there alter such assessment roll as shall appear to them to be just and proper.

Assessor to certify roll to board of trustees.

SEC. 4. Immediately after the expiration of ten days and review of the assessment roll, as aforesaid, the assessor shall certify the said roll under his hand to the board of trustees of said village.

Board to examine and certify same back to assessor.

SEC. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots and the amount to be raised on each of said lots as a special assessment for work done as provided for in section four of article six of this act, which

said certificate, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

SECTION 1. The assessor of said village shall immediately after receiving the assessment roll, with the amount to be raised thereon as provided in the preceding section, proceed to estimate, apportion, and set down in two separate columns opposite to the several sums set down as the value of the real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general, special, and highway tax thereon; also in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots as an assessment for special work done under section four of article six of this act, to be paid by the owner or owners or parties interested in such real and personal estate; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Assessor to apportion taxes.

SEC. 2. Immediately after apportioning the tax as provided in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the treasurer of said village, with a warrant annexed thereto, under the hands of said assessor and the president of said village, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein, opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale.

Delivery of roll to treasurer with warrant for collection.

SEC. 3. The president and assessor may renew said warrant from time to time, by direction of the board of trustees.

Renewal of warrant.

SEC. 4. Whenever any special tax shall be voted to be raised, as provided for in article thirteen of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate as set down in the annual assessment roll.

Basis of apportionment of special tax.

ARTICLE XVI.

OF THE COLLECTION OF TAXES.

SECTION 1. The treasurer of said village shall, immediately on receiving the assessment roll, with the warrant of the assessor thereunto annexed, as provided for in section three of the preceding article, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant.

Collection of taxes.

SEC. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed, as aforesaid, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay

Distress and sale of goods and chattels for.

Notice of.	the same, first giving public notice thereof, as is required by law to be given by township treasurers, and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or the assessment, with the charges of distress and sale thereon, the surplus shall be paid on demand to the owner or owners of such goods and chattels.
Disposition of surplus.	
Collection of tax on personal estate in case of removal.	SEC. 3. In case any person upon whom any tax to be assessed in said village for personal estate shall have removed out of said village after the assessments, and before such tax ought by law to be collected, it shall be lawful for the treasurer to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.
How collected when returned for non-payment.	SEC. 4. Whenever any tax which shall be assessed on personal property in said village shall be returned by the treasurer for non-payment, under the provisions of this act, it shall be lawful for the treasurer of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax.
List of unpaid taxes.	SEC. 5. In case the treasurer shall be unable to collect the taxes assessed on any real estate, he shall make a list thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of taxes, or in the renewal of the time thereof by the said assessor, as provided in section three of article fifteen of this act, and all taxes levied on real estate, and all assessments made thereon, under and by virtue of the provisions of this act, shall be and remain a lien upon said real estate, until the same is paid.
Taxes a lien on real estate.	
Proceedings prior to sale.	SEC. 6. The treasurer of said village shall preserve, in books to be kept by him for that purpose, such list of all lands delinquent for taxes, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the warrant to him as aforesaid, for the term of one year from the date of the warrant to him, he shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.
Notice of sale.	SEC. 7. Before any land shall be sold for delinquent taxes, as provided in the preceding section, the treasurer shall give notice for at least six weeks, by publication in a newspaper published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.
Sale.	SEC. 8. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day until all are sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands he shall

sell so much of each description as will pay the taxes, assessments, interest, and costs of sale as aforesaid.

SEC. 9. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale, there shall be paid to the treasurer for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such sale, the treasurer shall, at the expiration of said one year, execute to the purchaser, his, her, or their heirs or assigns, a conveyance of the land sold, which said conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

Certificate of purchase.

Redemption.

Conveyance.

Legal value of same.

ARTICLE XVII.

OF THE REGISTRATION OF ELECTORS IN SAID VILLAGE.

SECTION 1. The president, clerk, and one of the three trustees shall constitute the village board of registration.

Board of registration.

SEC. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village clerk.

Clerk to provide register.

SEC. 3. The clerk of said village shall at any time (except as provided for in this act), on demand, enter in its alphabetical order the name of any person entitled to vote in said village, under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Registration by clerk.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village, after the year one thousand eight hundred and seventy-five, the said board of registration shall be in session at such place in said village as they shall designate, from one o'clock P. M. until five o'clock of the same day, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village, and after the close

Meeting of board.

Completion of registration.

of said session, no name shall be registered until after the close of the polls at the election then next ensuing (except as provided by the laws of this State, guarding the purity of elections in the several townships thereof).

ARTICLE XVIII.

OF ELECTIONS.

Election board. SECTION 1. The president, clerk, and one of the three trustees, shall constitute the election board.

Oaths of office. SEC. 2. The members of said election board shall, before entering upon the discharge of their official duty, take an oath or affirmation, to be administered one to the other, to support the constitution of the United States, and of the State of Michigan, and to faithfully and impartially discharge their duties as judges of election, and the said election board shall constitute the board of inspectors of election within the meaning of this act.

When clerk shall place register in hands of board. SEC. 3. At any election held under and by virtue of the provisions of this act (except at the first election otherwise provided for), and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Zeeland to be placed in the hands of the election board, to be used by them during such election, and be returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

Register of township of Zeeland, to be used at first election. SEC. 4. At the first election held in said village, under the provisions of this act, the registration books of the township of Zeeland of the qualified electors of said village shall be used with a like force and effect as a register of the electors of the village of Zeeland provided for in this act.

Village register to be used only at village election. SEC. 5. The registration of electors provided for in this act shall be used only for election for village purposes, and shall not be construed to interfere with the registration of electors, or the election of the township of Zeeland.

Powers of board of registration. SEC. 6. The board of registration and election in said village shall exercise the same powers to preserve the purity of elections as are now or may hereafter be given by law to boards of registration and election in the several townships of this State, except as modified by the provisions of this act.

ARTICLE XIX.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

Proceedings prior to taking. SECTION 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five, of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted in three of the most public places in said village, to the owner or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of said board of trustees, of the intention of said board of trustees to take such lands for the pur-

poses aforesaid, and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her, or their legal representatives; and if at the expiration of the time limited as aforesaid for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Zeeland to issue a *venire facias* to command the marshal of said village, or any constable of the county of Ottawa to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before said justice at the time therein stated; which justice shall preserve the right of challenge, enforcements of attendance, and summoning of talesman [talesmen], as provided for by law in this State for justices' courts in civil cases, except that no more than two peremptory challenges shall be permitted to the corporation, and a like number to the individual or individuals collectively, whose property is sought to be taken; and the challenge to the array shall be in writing, and shall specify the cause; said jury, when formed, shall proceed to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal representative, which jury, being first duly sworn by the said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives therefor, for their respective losses according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or legally tendered before such land, grounds, or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal representatives, in whose favor said judgment shall be rendered. It shall thereupon be lawful for the board of trustees to cause the said land, grounds, or premises to be occupied and used for the purposes aforesaid.

When agreement cannot be made.

Summoning of jury.

Right of challenge, etc., preserved.

Duty of jury.

Oath of jurors.

Judgment of confirmation.

Tender of sums assessed.

Property to be used for purpose for which taken.

SEC. 2. That the board of trustees, or any party or parties claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court of the county of Ottawa, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days; or in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said justice as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court for the county of Ottawa, the same proceedings shall thereupon be had as is prescribed by law in other

Appeal to circuit court.

Notice of.

Proceedings.

Proviso. cases of appeal: *Provided*, That if final judgment for damages in said circuit court shall not exceed the damages assessed before the said justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

ARTICLE XX.

OF PUBLICATION.

Publication, how construed.

SECTION 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in a newspaper of said village, if any such shall be published therein; and if not, then by posting up in at least three of the most public places in said village.

Proof of publication.

SEC. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village, when publication is made by posting up, as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation, or ordinance of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XXI.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Relative to finances.

SECTION 1. The board of trustees shall, at the expiration of each year, cause to be made out and published, a true statement in writing of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year.

ARTICLE XXII.

OF DEPUTIES.

Deputy marshals.

SECTION 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal duly elected under the provisions of this act.

ARTICLE XXIII.

OF HIGHWAYS.

Village exempt from control of township commissioner.

SECTION 1. The said village shall be exempt from the superintendence and control of the commissioner of highways of the township of Zeeland, and it shall not be lawful for the supervisor of the said township of Zeeland to levy or assess any highway tax upon the taxable property of said village, nor shall the inhabitants thereof be liable to perform any highway labor, excepting such as is ordered by the board of trustees of said village.

Highway moneys a separate fund.

SEC. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the general fund, and no money shall be appropriated or paid from said fund, except for highway purposes.

ARTICLE XXIV.

OF THE POWERS TO BORROW MONEY.

SECTION 1. The board of trustees in said village shall have ^{Power to borrow money, limit of.} power to borrow money for public improvements on the credit of said village, not exceeding one thousand dollars in any one year: *Provided*, The same be authorized as required in section five of ^{Proviso.} article thirteen of this act.

ARTICLE XXV.

OF THE OTTAWA COUNTY JAIL.

SECTION 1. The corporation shall be allowed the use of the common jail of the county of Ottawa for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation, or ordinance passed by virtue thereof; and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, The said county of ^{Village allowed use of.} Ottawa shall in no manner be chargeable with the cost and expenses of such imprisonment in civil cases. ^{Proviso—county exempt from expense of imprisonment.}

ARTICLE XXVI.

OF THE POWERS OF JUSTICE OF THE PEACE.

SECTION 1. Any justice of the peace of the township of Zeeland is hereby authorized and empowered to inquire of, hear, and try, and determine in a summary manner, all the offenses which shall be committed within the limits of said village against any of the by-laws, ordinances, or regulations that shall be made, ordained, or established by the board of trustees in pursuance of the powers granted to them in this act, and to punish the offenders as the by-laws, ordinances, or regulations shall prescribe or direct: *Pro-* ^{Jurisdiction of justices of the peace.} *vided always*, That any person on a charge of violating any of the by-laws, ordinances, regulations, aforesaid, may demand and have a trial by jury, and may appeal to the circuit court of Ottawa ^{Proviso.} county. ^{Trial by jury.}

ARTICLE XXVII.

OF THE COMPETENCY OF CITIZENS.

SECTION 1. No person shall be an incompetent judge, witness, ^{As witnesses and jurors.} or juror, in any case in which said corporation is interested, by reason of his being an inhabitant of said village.

ARTICLE XXVIII.

SECTION 1. The board shall have power to purchase and keep in order, a fire-engine and other fire apparatus (whenever the board of trustees think it needful so to do), and to make all needful rules and regulations for the safe keeping of the same, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies. ^{Purchase, etc., of fire-engines, etc.}

Establishment of
fire department,
etc.

SEC. 2. To establish a fire department; to provide for the extinguishing of fires, and to establish, organize, and regulate fire companies in the manner prescribed in this act.

SEC. 3. This act shall take immediate effect.

Approved April 10, 1875.

[No. 322.]

AN ACT to amend section four of an act entitled "An act to establish a board of public works in and for the city of Detroit," approved April twenty-nine, eighteen hundred and seventy-three.

Section amended

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "An act to establish a board of public works in and for the city of Detroit," approved April twenty-nine, eighteen hundred and seventy-three, be and the same is amended so as to read as follows:

Board to prepare
a general plan
for laying out
streets, etc.

SEC. 4. The board of public works shall prepare, as soon as may be, a general plan of laying out into streets and alleys all such portions of the territory now or hereafter lying within the corporate limits of the city as shall not already be laid out, approved, and platted at the time of the taking effect of this act; or without the city limits, and within two miles thereof, when directed by the common council, and may enter upon land for that purpose. If approved, they shall endorse their approval on all plats of such streets and alleys, and no private plan shall be allowed or permitted which does not conform thereto; and no plat shall hereafter be recorded or be of any validity, unless before such record the approval of said board shall be duly indorsed thereon. They shall not have power to change such plats when once approved and adopted by them, unless authorized so to do by a resolution of the council, passed by a three-fourths vote of the members elect: *Provided*, That all streets and alleys shall be laid out so as to conform as nearly as may be to the lines of streets and alleys now opened.

Approval of
plan.

No plat to be re-
corded until ap-
proved by the
board.

When board may
change plats.

Proviso.

Approved April 10, 1875.

[No. 323.]

AN ACT to amend section one of article two, sections one and two of article three, sections two and seven of article six, sections five and eight of article eight, section two of article twelve, and to add a new section thereto, section four of article sixteen, section one of article twenty-seven, being act number two hundred and thirty-three of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Imlay City, in Lapeer county," approved April four, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That

section one of article two, sections one and two of article three, sections two and seven of article six, sections five and eight of article eight, section two of article twelve, section four of article sixteen, section one of article twenty-seven, of session laws of eighteen hundred and seventy-three, act number two hundred and thirty-three, entitled "An act to incorporate the village of Imlay City, in Lapeer county," approved April four, eighteen hundred and seventy-three, be amended so as to read as follows, and that a new section be added to article twelve. Sections amended.
Section added.

ARTICLE II.

SECTION 1. The officers of said village shall be a president, six trustees, one clerk, one marshal, who shall also be collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act. Elective officers.

ARTICLE III.

SECTION 1. The inhabitants of said village having the qualifications of electors under the constitution of this State, shall meet at the hall of F. J. Staples, in said village, on the second Monday in April, in the year of our Lord one thousand eight hundred and seventy-three, and there proceed to elect one president, one clerk, one marshal, one treasurer, one assessor, and three trustees, who shall severally hold their office for one year: also three trustees, who shall severally hold their office for two years; and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished. Time and place of first election.

SEC. 2. At every election after the first, there shall be elected one president, one clerk, one marshal, one treasurer, and one assessor, who shall severally hold their office for one year, and three trustees, who shall severally hold their office for two years. Term of office of certain officers.

ARTICLE VI.

SEC. 2. The board of trustees shall have full power within said village: Powers of board of trustees.

First, To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act; To define powers, etc., of officers.

Second, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such others [other] officers as they shall deem proper to require security from in the discharge of official duty; To determine sufficiency of sureties.

Third, To provide for the care, custody, and preservation of the public property of said village; Custody of public property.

Fourth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them; To punish officers for neglect of duty.

Fifth, To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the Relative to fire-department.

Fire limits, and measures for prevention of fires.

safe-keeping of the same, and to organize a fire department and define their duties, and prescribe penalties for their delinquencies ;

Sixth, To establish fire limits within which no wooden building shall be built, enlarged, or placed ; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes ; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous ; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings in such portions of the village as they shall deem best to provide one or more fire buckets, and to regulate the keeping of the same ;

To prevent vice, immorality, etc.

Seventh, To prevent vice or immorality ; to preserve peace and good order ; to establish and maintain a competent police ; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gambling tables, or other device or instrument for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation, or ordinance of said village ; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, imposters, and drunkards to be apprehended and punished, and for that purpose may use the common jail of the county of Lapeer, or the village jail of said village, in the discretion of the justice before whom the case is tried ;

To prevent traffic in liquors.

Eighth, To prevent the selling or giving away of spirituous or fermented liquors ;

To license or prohibit shows, etc.

Ninth, To license and regulate theaters, shows, traveling concerts, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village ;

To prevent immoderate driving, etc.

Tenth, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the streets unfastened ;

Removal of nuisances, etc.

Eleventh, To prevent and remove nuisances, and to punish persons for committing the same ;

Clearing of sidewalks.

Twelfth, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction ;

Concerning combustibles.

Thirteenth, To regulate the storage of powder, naphtha, nitroglycerine, combustible oils, lumber, and other combustible material ;

To prevent the use of weapons.

Fourteenth, To prevent the use of fire-arms, slung-shots, metal knuckles, and other weapons ;

To regulate markets.

Fifteenth, To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber ;

Relative to pounds and the impounding of cattle, etc.

Sixteenth, To restrain horses, cattle, sheep, swine, mules, and other animals, geese and other fowls, from going at large in the streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls, running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same ;

Seventeenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village, and to impose a tax upon all dogs kept in said village; Concerning dogs.

Eighteenth, To prevent the violation of the sabbath, and to require all saloons, drinking houses, and shops, and other places of business to be closed on the sabbath day, and at reasonable hours of the day on week days; To prevent the violation of the Sabbath.

Nineteenth, To prevent the erection and provide for the removal of all buildings deemed unsafe; Unsafe buildings

Twentieth, To regulate the placing and provide for the preservation of hitching posts and shade trees, and to encourage the setting out of shade trees; Horse posts, etc.

Twenty-first, To license saloon-keepers and common victualers: To license saloons, etc. Provide,
Provided, That no license for the above shall be granted for less than seventy-five dollars, or more than three hundred dollars; and also, to license hotels, and the keeping of billiard tables;

Twenty-second, To erect and maintain a village jail to which jail persons violating any of the rules, by-laws, regulations, or ordinances of said village may be committed by the court having jurisdiction of the same, for a period not exceeding thirty days. To erect and maintain village jail, etc.

SEC. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish, and publish, modify, amend, and repeal by-laws, rules, regulations, and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the village jail not exceeding thirty days, or in the county jail not to exceed ninety days, or both such fine and imprisonment, for any one offense, except as herein otherwise provided for, and enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations, and ordinances shall be published at least for two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village. Establishment, etc., of ordinance, and penalties for violation of.

ARTICLE VIII.

SEC. 5. The marshal shall, at all times, be subject to the supervision and control of the president and trustees, and shall, whenever directed by the president of board of trustees, make complaint in writing, and on oath, before any justice of the peace for the township of Imlay, for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal. Marshal subject to control of president and trustees.

SEC. 8. Any justice of the peace of the township of Imlay may hear, try, and determine all violations of the ordinances and by-laws of said board of trustees: *Provided, however*, That the right of trial by jury, when demanded, shall in all cases, be preserved. Relative to justices of township of Imlay. Provide.

ARTICLE XII.

Highway taxes.

SEC. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to taxation in said village, not exceeding in any one year the sum of one-half of one per cent upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys, and lanes of said village, as the board of trustees shall direct, subject to the other provisions of this article.

Line dividing city into highway districts.

SEC. 9. A line commencing where the north and south quarter line of section twenty crosses the south line of the limits of said village, and running thence north on said quarter line to the north line of First street of said village, thence east on said north line of First street to the east line of Almont street, thence north on the east line of Almont street to the north line of Third street, thence easterly on the north line of Third street to the center of the first alley east of Almont street, thence north along the center of said alley, and continuation of said alley line to the north line of said village, shall divide said village into two highway districts, and all money raised or expended for highway or street purposes in said village shall be appropriated and expended in said districts respectively, in proportion to the assessed valuation of the property in said districts at the last assessment thereof.

ARTICLE XVI.

Session of board for revising and completing registration.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village, the said board of registration shall be in session at such place in said village as they shall designate, from eight o'clock A. M. to four o'clock P. M., for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and after the close of said session no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE XXVII.

OF THE LAPEER COUNTY JAIL.

Corporation may use county jail.

SECTION 1. The corporation shall be allowed the use of the common jail of the county of Lapeer for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation, or ordinance passed by virtue thereof; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, That the county shall in no wise be chargeable with the cost and expenses of imprisonment in civil cases: *And provided further*, That any person liable to imprisonment for violation of any by-law, rule, regulation,

Provide—cost of imprisonment. Further provision—imprisonment in village jail.

or ordinance passed by virtue of this act, may be imprisoned in the village jail of Imlay City, for a period of time not exceeding thirty days, and while so imprisoned shall be under the charge of the marshal of said village.

SEC. 2. This act shall take immediate effect.

Approved April 16, 1875.

[No. 324.]

AN ACT to authorize the township board of the township of La Fayette, in Gratiot county, to issue orders in payment of the construction of that portion of the Wheeler and La Fayette ditch as lies in the township of La Fayette.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of La Fayette, in Gratiot county, are hereby authorized to issue orders on the treasurer of said township in payment for the construction of that portion of the Wheeler and La Fayette ditch as lies in the township of La Fayette. Township board may issue orders.

SEC. 2. Such orders shall be paid only out of funds in the hands of said treasurer of La Fayette, as have been or may be derived from taxes assessed on lands benefited by said ditch, in pursuance of the provisions of the law known as the township drain law, being chapter forty-eight of the compiled laws of eighteen hundred and seventy-one. Orders to be paid from ditch fund.

SEC. 3. This act shall take immediate effect.

Approved April 16, 1875.

[No. 325.]

AN ACT to authorize the common council of the city of Lansing to borrow money for the purpose of paying any judgment that has been or may be hereafter rendered against the city of Lansing, and to issue bonds for the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Lansing is hereby authorized and empowered to borrow a sum of money not exceeding forty thousand dollars on the faith and credit of said city, and issue its bonds therefor payable at a time not exceeding four years from the date thereof, and at a rate of interest not exceeding ten per cent per annum, which moneys shall be expended for the payment of any judgments that have been or that shall hereafter be rendered against said city in the circuit court of the United States for the eastern district of Michigan. Council may borrow money and issue bonds.

SEC. 2. It shall be the duty of the common council of said city to provide by tax for the payment of the interest accruing on said bonds as it shall become due, which tax shall be in addition to and shall be levied and collected in the same manner as the taxes which To provide by tax for the payment of interest

the common council now is or may be hereafter authorized to levy and collect, and it shall be the duty of the common council of said city to provide for the payment of said bonds at the maturity thereof by tax upon the taxable property of said city.

SEC. 3. This act shall take immediate effect.

Approved April 16, 1875.

[No. 326.]

AN ACT to provide for the apportionment of a proportionate share of the bonded indebtedness of the township of Burton to the city of Flint.

Construction of
act No. 228, laws
of 1871.

SECTION 1. *The People of the State of Michigan enact*, That the provisions of section one, of act number two hundred and twenty-eight, of the session laws of eighteen hundred and seventy-one, approved March eighteen, eighteen hundred and seventy-one, being an act to amend sections one, three, five, six, seven, eight, nine, sixteen, twenty-two, twenty-three, twenty-four, twenty-six, twenty-nine, thirty, thirty-four, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-two, forty-three, forty-five, fifty, fifty-six, fifty-seven, and sixty, of act number three hundred and seventy-two of the session laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the city of Flint," approved March twenty, eighteen hundred and sixty-seven, and to repeal sections twenty-seven and twenty-eight of said act, be and the same is hereby so construed as to render the land added to the said city of Flint by said act, which was taken from the township of Burton, liable and subject to taxation for the payment of a share of the bonded indebtedness of said township of Burton, and interest thereon, which share shall be not less than one thousand nine hundred and twenty-five dollars, with the interest thereon, that being the proportionate share of the bonded indebtedness of the township of Burton, which, according to the provisions of said act, should be borne by the lands taken from said township of Burton, according to the assessed valuation of said lands on the assessment roll of the township of Burton for the year eighteen hundred and seventy.

Amount of pro-
portionate share.

Moneys to be
paid to township
of Burton.

SEC. 2. The said sum of one thousand nine hundred and twenty-five dollars, with the interest accruing thereon, shall be collected and paid over to the treasurer of the township of Burton, in accordance with the provisions of section one of the above named act.

SEC. 3. This act shall take immediate effect.

Approved April 16, 1875.

[No. 327.]

AN ACT to prevent fishing during the months of December, January, February, and March, in the inland lakes in the county of Oceana.

SECTION 1. *The People of the State of Michigan enact, That* When fishing prohibited. it shall not be lawful hereafter to fish during the months of December, January, February, and March, in any of the inland lakes of the county of Oceana.

SEC. 2. Any person offending against any of the provisions of Penalty. this act, shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or less than five dollars, or by imprisonment in the county jail not over ninety days, or less than thirty days, or both fine and imprisonment, to be determined by a court of competent jurisdiction.

Approved April 16, 1875.

[No. 328.]

AN ACT to incorporate the village of Vandalia.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries—in-corporation. all that tract of country situated in the county of Cass, and State of Michigan, being in township six south, of range fourteen west, and described as follows, viz: commencing at the northwest corner of section number twenty-six; thence east on the north section line of said section, one-half mile; thence south one mile; thence west one mile; thence north one mile; thence east one-half mile to the place of beginning, be and the same is hereby constituted a village corporate by the name of the village of Vandalia.

SEC. 2. The inhabitants of said village having the qualifications First election, when held. of electors, under the constitution of the State, shall meet at Merrill Hall in said village, on the first Monday of April next, and on the first Monday of April annually thereafter, at such place as shall be provided in the by-laws of said village, and there by ballot shall elect, by plurality of votes, one person to be president of said village, and three persons shall in like manner be elected trustees for one year, and three for two years; and one person also shall be Officers to be chosen. elected marshal, and annually thereafter a president, clerk, and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election. The president and trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The Subsequent elections. Corporation not dissolved if election not held. Quorum of board

- Duties of president.** president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of president.
- Duties of clerk.** SEC. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places of said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.
- Judges and clerk of election.** SEC. 4. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be clerk of the election, and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honorably discharge their duties as judges, or clerk of election; and said board shall have power to preserve the purity of the election as is now or may be hereafter given to township boards of election.
- Officers to take oath or affirmation.** SEC. 5. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.
- Clerk to be appointed.** SEC. 6. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of president and trustees of the village of Vandalia, and may have a common seal which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court, but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president, or any of the trustees of the village, at least six days before the return day thereof.
- Body corporate.**
- Seal.**
- Right to hold real estate.**
- Actions at law—process, how served.**

SEC. 7. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz.: For the appointment of a treasurer and assessor and prescribing their duties, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance and preservation of the public places, property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive authority to license such persons as tavern-keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent, and remove nuisances; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions from the streets, walks, lanes, alleys, parks, and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, and fire-works; to construct and regulate markets, the vending of poultry, meats, vegetables, fruits, and fish; to regulate the sale of hay, wood, lime, lumber, and coal; to regulate the gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese, and other poultry; to prevent the running at large of dogs; to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and to prevent the waste of water; to prevent bathing in public streams; to purchase grounds for, and regulate cemeteries and the burial of the dead, and to provide for the bills of mortality, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued whenever they may deem the same necessary for the best interest or

General power
of president and
trustees to estab-
lish by-laws.

Idem.

health of the citizens; to ascertain, establish, and settle the boundaries of all streets and alleys, and to establish grades therefor; also to order and cause to be drained or filled up, and to assess the cost and expenses on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such building shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire-engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store, or shop, to be provided with fire-buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves, and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers, and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; to grade the walks, streets, and alleys, and to prescribe the manner of planking or repairing them, the cost and expense of repairing sidewalks, grading the walks, streets, and alleys, the paving or planking to be paid by assessments on the lot in front or adjoining either or all of such improvements shall be made: *Provided*, That so much money, belonging to the highway fund of said village, as the president and trustees may direct may be expended for grading: *And provided further*,

Proviso.

Second proviso.

That no more than one per cent on the assessed value of any lot shall be collected in any year for such purposes; to construct and keep in repair the public highways, bridges, culverts, and sewers, to lay out new streets and alleys, and to extend those already laid out under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, shows, and concerts; to regulate and tax at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers; to regulate the covering of mill races at the expense of the owners thereof; to rail and curb, where necessary, all walks at the expense of the owner of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county, or State, and all grounds used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening, or extending streets, lanes, alleys, drains, or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain as provided for in this act; for the violation of any by-laws, rules, and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice

of the peace in the township of Penn, and any interest the inhabitants of Vandalia may have in the fine or penalty to be recovered shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein; and the circuit court for the county of Cass shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws, when the sum claimed shall not exceed the sum of one hundred dollars. Idem.

SEC. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking, or repairing a street or alley, or making or repairing sidewalks, and all highway taxes, shall be and remain a lien upon said estate until the same be paid. Taxes a lien on real estate.

SEC. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper published in said village, if one shall be printed therein, and if one is not printed therein, then to post up on the door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year. Statement of receipts and expenditures.

SEC. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published, at least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village, and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper in which the same was published, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication. By-laws to be published or posted.

SEC. 11. The assessors of said village shall, once in each year, make an assessment roll, containing a description of all the real estate and the valuation of all the personal property liable to taxation in said village, and the name of the owner or occupant or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice by publishing thereof the time and place of reviewing said assessment roll, under the supervision of the president and assessors, that any persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days the assessor and the president and trustees shall immediately proceed to estimate, apportion, and set down, in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums, in Assessment.
Review.
Tax to be levied.

Warrant of collection.

dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and to direct him to pay such money, when collected, to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment as herein provided.

Renewal of warrant.

Assessments for special improvements.

Collection of taxes, how enforced.

SEC. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods or chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Sale of real estate for delinquent taxes.

SEC. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down on the assessment roll by itself in a column, and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement, posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; an affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Idem.

SEC. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from

day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless, within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof are according to law; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner and duly recorded.

SEC. 15. The treasurer of said village shall receive the same fees in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising of any lands for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon land and unpaid in proportion to the amount of such person's tax as charged and unpaid.

SEC. 16. No money shall be drawn from the treasury except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

SEC. 17. No member of the board of trustees, during his continuance in office, shall become surety for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act, and during the time for which he may be elected a member of such board he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

SEC. 18. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general funds, and no money shall be appropriated or paid from such highway fund except for highway purposes.

SEC. 19. No officer appointed by the president and trustees shall hold his office for more than one year, or until his successor is appointed and qualified; and the president and trustees may require

Redemption.

Proviso.

Fees and expenses.

Appropriation and payment of money.

Trustees not to be surety on bond or interest in contract.

Highway fund to be kept separate.

Official terms—security may be required.

of any of them security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Powers and duties of marshal.

SEC. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming-house, or dwelling-house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed, to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Penn, who shall hear, try, and determine the matter, upon proof, in a summary way; to compel the citizens to aid in the extinguishing of fire; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Marshal may be removed.

SEC. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of the whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other officers' duties, but the cause of such removal shall, in all cases, be made a matter of record by them.

Filling of vacancies.

SEC. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

President and trustees to receive no compensation—compensation of other officers.

SEC. 23. The president and trustees shall not receive any compensation for their services. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the sum of five hundred dollars for each year, which shall be a full compensation for all services rendered by him. The clerk and treasurer shall receive such compensation as the president and trustees shall direct.

Care of streets and collection of taxes for street purposes.

SEC. 24. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power and perform the same duties as now by law belong to commissioners of highways in the several townships of the State, and shall appoint one or more overseers of highways to repair and keep in order the highways, streets, and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars,

nor less than two hundred and fifty dollars in any year, and no other highway tax shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the said corporation the sum of five dollars, to be recovered in the name of the president and trustees in an action of debt before any justice of the peace of the township of Penn; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Penn, for the repairing, building, or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working, or improving any highway of said township, or for any damages for which said township may become liable, by reason of any neglect in keeping any bridges or public highway in proper repair.

Power to remove fences.

Taxes levied by Penn township.

SEC. 25. Whenever the land of any person shall be required to be taken for the constructing, widening, or extending streets, lanes, alleys, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owner or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Penn to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon a jury of twelve disinterested freeholders of Cass county, to appear before him at any time therein to be stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises, which jury, being first duly sworn by said justice, faithfully and impartially to

Acquiring land for public improvements.

Jury to determine necessity of taking lands.

- inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same, and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane, or alley, sidewalk, drain, or sewer or highway shall be made, opened, or established or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same ground or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village (at the time of the rendition of the judgment), then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid, upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all the costs occasioned by such appeal.
- Right of appeal.**
- Proviso as to costs.**
- Moneys received for licenses to be paid to county treasurer.**
- Public act.**
- Eligibility to office.**
- SEC. 26. All moneys received for licenses granted to tavern-keepers or common victualers under the provisions of this act shall be paid to the county treasurer, as provided in section twenty-six of chapter thirty-eight of the revised statutes of eighteen hundred and forty-six.
- SEC. 27. This act shall be favored, construed, and received in all courts as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof.
- SEC. 28. No person shall be eligible to any office in this corporation unless he shall have resided in the said village six months next preceding his election, and shall be entitled to vote therein.
- SEC. 29. This act shall take immediate effect.
- Approved April 16, 1875.

[No. 329.]

AN ACT to amend the charter of the village of Middleville.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section thirty-six of the act incorporating the village of Middleville,
in Barry county, approved March twenty-seven, eighteen hundred
and sixty-seven, be amended so as to read as follows:

SEC. 36. The common council shall have power and authority to
lay out, establish, open, extend, widen, straighten, alter, close, and
vacate and improve such streets, highways, alleys, lanes, water-
courses, squares, market-places, and public parks in said village as
they shall deem necessary for the public good and convenience; Power to estab-
lish public im-
provements.
and if the property or lands of any person shall be required for such
purpose, the common council shall so declare by resolution, stating
therein a description of the lands, premises, or property required, Land, how ac-
quired.
and the purposes for which the same are to be used, and that the
common council will meet, on some day to be named in the reso-
lution, to take action in regard to the matter; and notice of such
meeting shall be given to the owners or parties interested, or his
or her or their agents or representatives, by personal service of a
copy of such resolution, or by publication of a copy of such resolu-
tion in one of the newspapers published in said village, at least
three weeks previous to the time appointed in said resolution for
the meeting of the common council; and the common council is
hereby authorized to negotiate with the person or persons inter-
ested in or owning such grounds or premises for the same, and to
pay therefor such reasonable sums as may be agreed upon; but if
such person or persons shall refuse to negotiate for such lands or
premises, or if, for any other cause, there shall not be any arrange-
ment or bargain between the parties therefor, it shall be lawful for
the common council, at the time of the meeting appointed in such
resolution, to direct the village recorder to issue a precept, under
his hand, in the nature of a *venire facias*, directed to the marshal
of said village, or any constable of the county of Barry, command-
ing him to summon a jury of twelve disinterested freeholders re-
siding outside of said village to appear before any justice of the
peace of the township of Thornapple, in said village, at a time
therein to be stated, to inquire into and determine the necessity
for taking and using the lands, premises, or property described in
said resolution, for the purposes therein mentioned, and also to
inquire into and assess the damage and recompense due to the
owner or owners of, or parties interested in such grounds, premises,
or property; which jury, being duly sworn by said justice, faith-
fully and impartially to inquire into and determine the necessity
for taking and using the lands, premises, or property described in
said resolution for the purposes therein mentioned, and to assess
such damage and recompense, and having first viewed the premises,
if necessary, shall inquire into and determine such necessity, and
shall also assess such damage as they shall deem fit to be awarded
to the owner or owners of, or parties interested in such grounds,
premises, or property for their respective damage or losses, accord-

Jury to deter-
mine necessity
of taking lands.

ing to their several interests and estates therein; and the said justice shall, upon the return by such jury of the necessity for taking such grounds, and of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to [be] paid into the village treasury for the use of such party, person, or claimant, before such street, highway, alley, lane, water-course, square, market-place, or public park shall be made, opened, established, or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises, or property to be immediately converted to and for the use and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings, by appeal to the circuit court for the county of Barry, upon giving notice of his or their intention so to do, to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and the judgment of said justice therein, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court, but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening or extending such street, lane, alley, square, water-course, market-place, or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts: *Provided, further*, That if the damages awarded on each appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Right of appeal.

Proviso as to costs.

SEC. 2. This act shall take immediate effect.

Approved April 16, 1875.

[No. 330.]

AN ACT to amend sections fifty-nine and sixty of an act entitled "An act to incorporate the village of Nashville, in Barry county," being act number three hundred and fifty-six of the session laws of eighteen hundred and sixty-nine, approved March twenty-sixth, eighteen hundred and sixty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections fifty-nine and sixty of an act, entitled "An act to incor-

porate the village of Nashville, in Barry county," being act number three hundred and fifty-six of the session laws of eighteen hundred and sixty-nine, approved March twenty-sixth, eighteen hundred and sixty-nine, be so amended as to read as follows:

SEC. 59. The common council shall, in the month of March, in each year, cause to be made and published in some paper published in said village, or by posting the same in three public places in said village, a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the marshal, and all other officers and persons having claims against said village, or accounts with it not previously audited; and shall make out in detail a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made; the amount of moneys expended under each appropriation; the amount of taxes raised; the amount expended on streets; the amount of money borrowed, if any; for what purpose and upon what terms; and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village; and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

Statement of receipts and expenditures to be published.

SEC. 60. Before any account or demand of any person against said village shall be audited, allowed, or paid, it shall be made out by items in detail, with the proper dates, and presented to the common council at a regular meeting of said council.

Accounts to be stated in detail.

SEC. 2. This act shall take immediate effect.

Approved April 16, 1875.

[No. 331.]

AN ACT to re-incorporate the village of Reed City.

[ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.]

SECTION 1. *The People of the State of Michigan enact, That* all that tract of land situated in the township of Richmond, in the county of Osceola, described as the south half of section nine, the southwest quarter of section ten, the northwest quarter of section fifteen, and the north half of section sixteen, of township number seventeen north, of range number ten west, be and the same is hereby constituted a village corporate, to be known by the name of "the village of Reed City."

Boundaries—in-corporation.

SEC. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "the village of Reed City," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and

Corporate rights.

defending in any court of law or equity, and may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

Officers to continue in office.

SEC. 3. The officers of said village now in office shall continue in office, with the same powers and duties as are conferred by this act upon like officers until their successors shall be elected, pursuant to the provisions of this act and the general law relating to villages, entitled "A bill granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five.

Ordinances to continue in force.

SEC. 4. All ordinances and resolutions of said village of Reed City shall continue in force until repealed.

Subject to general law relative to villages.

SEC. 5. Said village of Reed City is hereby made subject to the general law entitled "An act creating and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five. Said village shall possess all the powers and be subject to all the duties and liabilities imposed by said act.

To possess rights and be subject to liabilities of old corporation.

SEC. 6. Said village of Reed City as hereby incorporated shall possess all the rights and property and be subject to all the debts and liabilities of the said village as heretofore organized.

SEC. 7. This act shall take immediate effect.

Approved April 16, 1875.

[No. 332.]

AN ACT to amend sections seven, forty-seven, fifty-eight, sixty-three, and sixty-four of an act entitled "An act to incorporate the city of Battle Creek," approved February third, one thousand eight hundred and fifty-nine, as amended by several acts amendatory thereof, and to add two new sections thereto, to stand as sections number eighty-three and eighty-four.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections seven, forty-seven, fifty-eight, sixty-three, and sixty-four, of an act entitled "An act to incorporate the city of Battle Creek," approved February three, eighteen hundred and fifty-nine, as amended by act number two hundred and twenty-six of the session laws of eighteen hundred and sixty-nine, approved February nineteenth, one thousand eight hundred and sixty-nine, and to add two sections to stand as sections number eighty-three and eighty-four, be and the same is hereby amended so as to read as follows :

Mayor to appoint attorney, marshal, etc.

SEC. 7. The mayor shall have power, and it shall be his duty, on the third Monday in April in each year, or as soon as may be thereafter, subject to the approval of the common council, to appoint a city attorney, marshal, assistant marshal, who shall be *ex officio* deputy street commissioner, and such other officers whose election is not herein especially provided for, as said common council may deem necessary to carry into effect the powers granted by this act, and with the consent of the common council he shall have power to remove the same at pleasure. The common council

May remove with consent of council.

shall also have power to remove the treasurer or any constable of said city for any violation of the provisions of this act or of any amendment thereof, or of any by-law or ordinance, or for neglecting or refusing to perform the lawful requirements of said common council, in a manner to be provided by the by-laws and ordinances of said city; and in case of such removal, or in case of the death, resignation, or neglect to qualify, or removal from the city, or from the ward in which he was elected, of any officer of the corporation, except justices of the peace, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office: *Provided*, Such appointment shall not extend beyond the next annual election of said city, and until his successor shall be elected and qualified. All officers so appointed shall be notified and qualified as herein provided: *Provided, further*, That the common council may at any time order a special election to fill vacancies in any office which is elective under this act, and they shall designate the time and place of holding the same, and the same notice shall be given as for an annual election, stating the office or offices to be filled, and any person so elected shall hold and serve for the remainder of the term of said office.

Council may remove treasurer or constable.

Shall fill vacancies in office.

Provide—term of appointment, notice, etc.

Provide—special elections may be ordered.

SEC. 47. The mayor of said city shall be the chief executive officer thereof. It shall be his duty, in addition to the other requirements of this act, to see that all the officers of said city faithfully comply with and discharge their official duties, to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed. He is also hereby authorized and empowered generally to administer oaths and take affidavits, and shall from time to time recommend such measures to the common council as to him shall seem proper. The mayor of said city shall also be, *ex officio*, a member of the board of supervisors of the county of Calhoun, and shall, with the supervisors elected or appointed in and for said city, represent said city in the board of supervisors of said county, and shall possess the like powers and be chargeable with the like duties as any other of the members of said board of supervisors, and shall be entitled to the same pay and be paid in the same manner as other members of said board: *Provided*, That he shall exercise no authority as a supervisor, except as a member of such board. The mayor shall also have power to suspend the operation and effect of any by-law, ordinance, or resolution passed by the common council, by filing a notice thereof in writing with the recorder on the same day of the passage thereof, and if in any case where such notice has been filed as aforesaid, the mayor shall within forty-eight hours after the passage of such by-law, ordinance, or resolution, file with the recorder his reasons in writing why such by-law, ordinance, or resolution should not go into effect, then the same shall not become operative or go into effect unless at a subsequent meeting of the common council the same shall be re-passed by a majority of two-thirds of all the aldermen then in office, and if so re-passed the same shall go into effect

Mayor, duties of.

May administer oaths.

To recommend measures to council.

To be member of board of supervisors.

Provide.

Suspensory veto of by-law, resolution, etc.

Two-thirds vote of aldermen may give effect to suspended by-law, etc.

Fines to be paid to city treasurer.

Penalty for refusal to pay fine money.

Fines for violations of State laws to be paid to county treasurer.

Expenses and costs of prosecutions, etc., to be audited by board of supervisors.

Power to levy taxes.

One per cent for ordinary expenses—four per cent for paying indebtedness.

Council may make by-laws for collection of taxes.

Tax to be a lien on property.

Council may issue bonds for purpose of funding indebtedness.

according to the terms thereof, and if such reasons in writing shall not be filed as aforesaid, then such by-law, ordinance, or resolution shall have the same operation and effect as if no such notice suspending the same had been filed with the recorder as aforesaid.

SEC. 58. All fines recovered for a violation of any by-law or ordinance of said city, except as hereinafter otherwise provided, shall be paid to the treasurer of said city by the officer or person receiving the same immediately after the receipt thereof; and any person who shall refuse or neglect to pay the same as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment, in the discretion of the court. And all fines recovered for a violation of any law of the State, and for a violation of any by-law or ordinance of said city which the law requires to be paid to the county treasurer, shall be paid to the treasurer of the county of Calhoun; and all expenses and costs of apprehending, examining, trying, and committing offenders against any of the laws of the State, or against any such by-law or ordinance of said city, where the fines, when recovered, are by law required to be paid to the county treasurer, shall be audited, allowed, and paid by the board of supervisors of said county of Calhoun the same as if such expenses and costs had been incurred in any township of said county.

SEC. 63. The common council shall have power and authority, in addition to the tax provided for in section sixty-two, for streets, bridges, lanes, alleys, and public grounds, to levy and collect taxes on all the real and personal property within the limits of said city, by them deemed necessary, not exceeding one per cent each year, on the valuation of the real and personal property in said city, as determined by the assessment roll for that year, for the ordinary municipal expenses, and not exceeding four per cent in each year on the aforesaid valuation for the purpose of paying any indebtedness of the city; and all city taxes may be levied and collected at such time or times as the common council shall determine, not exceeding twice in any one year. But it shall not be necessary to make out an assessment in each year; and the said common council shall also have power and authority to make and establish all necessary by-laws and ordinances for the collection of the same, and every assessment of tax lawfully imposed by the said common council, on any lands, tenements, hereditaments, or premises whatsoever in said city, shall be and remain a lien on such lands, tenements, hereditaments, and premises, from the time of imposing such tax until paid, and the owner or occupant, or parties interested in such real estate shall be liable, on demand, to pay every such tax levied as aforesaid; and the common council shall have power and authority, whenever they shall deem it necessary and for the best interest of the city, to issue the bonds of the city, payable at such time or times, and at such rate of interest not exceeding ten per cent, as they shall determine, for the purpose of fund-

ing or paying any indebtedness of the city, but for no other purpose whatever.

SEC. 64. It shall be the duty of the supervisor, under the direction of the common council, whenever the city assessment roll shall have been completed in each and every year, and at such time or times as the common council shall determine, to assess the taxes that have been levied by the common council, adding thereto, and to all other taxes required by law to be assessed by him, not more than four per cent for collecting expenses, upon the taxable property in the city, according and in proportion to the individual and particular estimate and valuation as specified in the assessment roll of the city for the year. He shall thereupon deliver to the treasurer a copy of said assessment roll, with the taxes annexed to each valuation, and carried out in such column thereof, as the common council shall direct. And if there be other taxes assessed than for the expenses of the city, they shall be carried out in separate columns; and he shall carry out the total amount of taxes in the last column of said roll, and shall annex thereto a warrant, under the hands of the supervisor and mayor, with the seal of said city affixed, commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, on or before the day specified in said warrant; and it shall authorize the said treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons in the same manner as is or shall be provided by law in cases of township treasurers. Immediately after the common council shall have levied any taxes the recorder shall certify to the supervisor the amount thereof, and shall act as clerk of the supervisors in assessing said taxes, and shall assist him in making a duplicate of the assessment roll: *Provided*, That in case the common council shall fix the salary of the treasurer, then the percentage collected by him shall be paid into the general expense fund of said city.

Duty of supervisor.

To assess taxes.

To deliver roll to treasurer.

Taxes to be designated in separate columns.

Warrant of collection.

Duty of recorder.

Proviso—treasurer's salary.

SEC. 83. All by-laws, ordinances, and proceedings of the common council may be read in evidence in all courts of justice and in all proceedings before any officer, body, or board in which it shall be necessary to refer them to, either,

By-laws, etc., when may be read in evidence.

First, From a record thereof kept by the recorder; or,

Second, From a copy certified by the recorder with the seal of the city affixed thereto; or,

Third, From any volume of by-laws and ordinances purporting to have been printed by authority of the common council, and such record, certificate, copy, or printed volume shall be *prima facie* evidence of such by-laws, ordinances, and proceedings, without proof of the enactment thereof, publishing, or any other thing concerning the same.

SEC. 84. That the marshal, assistant marshal, and policemen of said city shall have power and authority to serve or execute any

Marshal and policemen may serve process.

process of any court in any suit or proceeding for a violation of any of the by-laws and ordinances of said city.

SEC. 2. This act shall take immediate effect.

Approved April 16, 1875.

[No. 333.]

AN ACT to incorporate the village of Casnovia.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That all of that tract of country situated in the counties of Kent and Muskegon, in the State of Michigan, and described as follows, to wit: The southwest one-fourth ($\frac{1}{4}$), of section nineteen, and the north half of the northwest one-fourth ($\frac{1}{4}$), of section thirty (30), in township ten (10) north, of range twelve (12) west, and the north half of the southeast one-fourth ($\frac{1}{4}$), the southeast one-fourth of the southeast one-fourth of section twenty-four (24), and the northeast one-fourth of the northeast one-fourth ($\frac{1}{4}$) of section twenty-five (25), in township ten (10) north, of range thirteen (13) west, be and the same is hereby constituted a village corporate, by the name of the village of Casnovia.

First election.

SEC. 2. The first election of officers of said village shall be held on the second Tuesday in May, in the year of our Lord one thousand eight hundred and seventy-five, at Topping's Hall, in the said village.

Registration.

SEC. 3. Milan Squiers and William E. Peas are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the second Tuesday of May, eighteen hundred and seventy-five, aforesaid, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings.

Notice of election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least ten days before the time of said election, which notice may be signed by any five freeholders in said village.

Village subject to general law.

SEC. 5. The said village of Casnovia shall, in all things not herein otherwise provided, be governed by, and its powers and duties defined by, an act entitled "An act creating and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five.

Election may be held at any time during year

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act.

SEC. 7. This act shall take immediate effect.

Approved April 16, 1875.

[No. 334.]

AN ACT to amend section thirteen of an act entitled "An act to incorporate the village of Lyons," approved March first, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of an act entitled "An act to incorporate the village of Lyons," approved March first, eighteen hundred and sixty-seven, be amended so as to read as follows:

Section amended

SEC. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself in a column, and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for one year from the date of the return of the warrant to the treasurer by the marshal as aforesaid, the treasurer of said village shall cause so much of the land, charged with such tax and assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; an affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Tax on real estate to be put in separate columns.

Sale of lands for unpaid taxes.

SEC. 2. This act shall take immediate effect.

Approved April 16, 1875.

[No. 335.]

AN ACT to incorporate the village of Mount Pleasant, in the county of Isabella.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: Section fifteen, in township fourteen north, of range four west, in the county of Isabella, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Mount Pleasant.

Boundaries.

SEC. 2. The first election of officers of said village shall be held on the second Tuesday in May, in the year of our Lord one thousand eight hundred and seventy-five, at the court room in the said village.

First election.

SEC. 3. Samuel W. Hopkins and Cornelius Bennett are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday

Registration.

preceding the second Tuesday of May, eighteen hundred and seventy-five, aforesaid, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings.

Notice of election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least ten days before the time of said election, which notice may be signed by any five freeholders in said village.

Village subject to general law.

SEC. 5. The said village of Mount Pleasant shall, in all things not herein otherwise provided, be governed by, and its powers and duties defined by, an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five.

Election may be held any time within one year.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act.

SEC. 7. This act shall take immediate effect.

Approved April 16, 1875.

[No. 336.]

AN ACT to incorporate the village of Clam Lake, in the county of Wexford.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: the northwest quarter of section three, and all of section four, in township twenty-one north, of range nine west, and the southeast quarter of section thirty-three, and the southwest quarter of section thirty-four, in township twenty-two north, of range nine west, in the county of Wexford and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Clam Lake.

First election.

SEC. 2. The first election of officers of said village shall be held on the fourth Tuesday in April, in the year of our Lord one thousand eight hundred and seventy-five, at F. R. Osgood's store.

Registration.

SEC. 3. Henry F. May and E. F. Sawyer, are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the fourth Tuesday of April, eighteen hundred and seventy-five, aforesaid, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings.

Notice of election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least ten days before the time of said election, which notice may be required by any five freeholders in said village.

Village subject to general law.

SEC. 5. The said village of Clam Lake shall, in all things not herein otherwise provided, be governed by, and its powers and duties

defined by, an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act.

Election may be held any time within one year.

SEC. 7. This act shall take immediate effect.

Approved April 22, 1875.

[No. 337.]

AN ACT to incorporate the public schools of the city of Ionia.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the county of Ionia and State of Michigan, and designated as follows, viz.: Commencing at the northeast corner of section sixteen, of township number seven north, of range number six west, and running thence west to the west line of said township; thence south two hundred and forty rods; thence west eighty rods; thence south to the middle of Grand River; thence easterly along the middle of said river to a point where the east line of section twenty-one of said township intersects the middle of said river; thence north to the place of beginning, shall constitute a single school district, to be known and designated as "The public schools of the city of Ionia." And such school district shall have all the powers and privileges conferred by general law upon primary school districts, and graded and high school districts, and hereafter all schools organized in pursuance of this act, and under the direction and regulation of the board of education of said public schools provided for in section two of this act, shall be public and free to all children between the ages of five and twenty years, actual residents within the limits thereof.

Boundaries of district.

Powers and privileges.

Schools shall be free.

SEC. 2. The officers of said district shall consist of six trustees, who shall constitute "the board of education of the public schools of the city of Ionia," two of whom shall be elected at the annual meeting of the district, to be held on the first Monday in September of each year, and shall hold their office for the term of three years, and within ten days after each annual meeting they shall file with the secretary an acceptance of said office, and elect from their own number a president, a secretary, and a treasurer, whose powers and duties shall severally be the same as those conferred upon and required of the moderator, the director, and the assessor of school districts in this State, except so far as the same are changed by the provisions of this act. The trustees of the district heretofore known as district number one of the city and township of Ionia, shall be, and are hereby constituted the "board of education of the public schools of the city of Ionia." The moderator

Officers—board of education.

President, secretary, and treasurer may be elected.

Existing officers to continue until expiration of term.

shall be the president, the director the secretary, and the assessor the treasurer thereof. And said trustees shall continue to hold their said office for the term for which they were each elected. Said board of education shall have power to fill any vacancy that may occur in their number, or in the officers appointed by them, until the next annual meeting thereafter, or until others are elected and qualified.

Officers to be school inspectors.

To report to county clerk. May examine teachers.

Teachers considered legally qualified without examination.

Board to provide school houses.

To keep account of expenses.

Annual statement and estimate.

Amount to be levied and collected.

Diplomas.

Treasurer to give bond.

May collect moneys due district.

Bond to be filed.

Rights of property.

SEC. 3. Said board of education shall have all the powers and privileges conferred by general law upon district and graded and high school district boards, and all the powers and duties of school inspectors of townships shall be vested in and required of said board, and they shall be *ex officio* the board of school inspectors of the city of Ionia, and shall make their report directly to the county clerk of the county of Ionia; and before hiring any teacher shall examine into his or her qualifications to teach, and all teachers employed by them shall be considered as legally qualified without any examination by any person authorized by law to grant certificates.

SEC. 4. The board of education shall provide all necessary appendances for the several school-houses, and keep the same in good condition and repair; and they shall keep an accurate account of all expenses incurred by them, and all claims for such expenses shall be audited by said board and paid by the treasurer, out of any money in his hands provided for such purpose, on the order of the secretary, countersigned by the president; and said board shall present to each annual meeting of the district a statement of all their receipts and expenditures, together with an estimate of the amount necessary to be raised in addition to other school funds anticipated, to meet the expenses necessary for the entire support of said public schools for the ensuing year, and for the purpose of paying such obligations of the district as may become due and payable during said year. And such amount shall be levied and collected in the same manner as is provided by general law for levying and collecting school district taxes.

SEC. 5. The board of education is authorized to grant a diploma to each student who shall have completed the full course of instruction of said public schools.

SEC. 6. The treasurer of said district shall, within ten days after his election, and before he shall enter upon the duties of his office, give a bond to the district in such sum, and with sureties as shall be approved by the board, for the faithful discharge of the duties of his said office, and to account for and pay over all moneys that shall come into his hands by virtue of said office; and he shall have power by suit at law, or otherwise, under the direction of the board, to collect all moneys due said district from the several township and city treasurers, and for the tuition of all scholars legally charged therewith, or that may be due said district in any other manner whatever; said bond shall be filed with the secretary of the board.

SEC. 7. All the lands, school-houses, and sites, together with the furniture, library, property, effects, and estate of school district

number one of the city and township of Ionia, both real and personal, and all debts and demands due or owing to said district are hereby transferred to and declared the property of "The public schools of the city of Ionia," and all bonds, debts, dues, obligations, and contracts of said district number one, of the city and township of Ionia, are hereby declared the debts, dues, and contracts of the public schools of the city of Ionia, and shall be binding upon said public schools according to their respective terms and conditions.

Bonds and obligations.

SEC. 8. Said board of education shall establish and maintain a library for the use of said public schools, and make all needful rules and regulations for the control and management of the same, and may appropriate annually a sum not exceeding one hundred dollars for increase of the same, which sum, so appropriated, shall be expended as directed by said board.

Board to establish library.

SEC. 9. The qualified voters of said district shall have power, when lawfully assembled, to designate, by a vote of two-thirds of those present, any number of sites for school-houses, and to change the same by a similar vote, at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for such school-house, a majority of the voters present at such meeting shall have the power to instruct the school board to locate said site. The site of the several school buildings heretofore located, and now held by district number one of the city and township of Ionia, shall be and they are hereby declared and deemed school-house sites for "the public schools of the city of Ionia."

Qualified voters may designate and change school-house sites. *Provided*.

Existing sites confirmed to district.

SEC. 10. Suits may be brought by or against "the public schools of the city of Ionia," on all contracts, obligations, debts, bonds, or demands, due or unpaid, or to become due from or to said district number one, of the city and township of Ionia, in like manner as they might have been by or against said school district number one, if this act had not been passed.

Actions at law, rights as to, confirmed.

SEC. 11. This act shall take immediate effect.

Approved April 22, 1875.

[No. 338.]

AN ACT to authorize the city of Detroit to borrow money for the purpose of erecting a central public market in said city, and to issue its bonds for the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Detroit is hereby authorized and empowered to borrow a sum of money, not exceeding one hundred thousand dollars, on the faith and credit of said city, and upon the best terms that can be made, and to issue the bonds of said city, to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest, but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "Central public market stock of the city of Detroit,"

Council may borrow money and issue bonds.

Bonds not to be negotiated at less than par value.

Bonds, how
denominated.

Rate of interest,
when payable,
how stated.

Controller to
keep record of
bonds.

Proceeds, to
whom paid, how
credited and
applied.

Issue of bonds
to be approved
by board of
estimates.

Rents and
profits, how
applied.

To pay coupons
and establish
sinking fund.

Payment of ex-
penses and re-
pairs.

When bonds to
be payable.

Free public hall
and offices to be
provided.

shall be regularly dated and numbered in the order of their issue; shall be for sums not less than five hundred dollars each; shall bear interest not exceeding seven per cent per annum; shall be payable in not exceeding twenty years from date; shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid to the city treasurer, and be credited to the "Central public market fund," and applied exclusively to the purposes of erecting a central public market in the city of Detroit.

SEC. 2. No bonds shall be issued as aforesaid for the purpose of erecting a central public market, until the issue of the same shall have been authorized and approved by the board of estimates of the said city of Detroit: *Provided further*, That if the said board shall authorize and approve the issue of the said bonds, the rents, fees, and profits derived from the said central public market shall be applied:

First, To the payment of the coupons, and to the establishment of a sinking fund to provide for the payment of said bonds, for which latter purpose the sum of five thousand dollars shall be annually invested in the said sinking fund;

Second, To the payment of the expenses of the central public market, and to the maintenance of the same in repair.

SEC. 3. *Third*, Said bonds shall be due and payable as follows: Five thousand dollars at the end of the first year from the date thereof, and five thousand dollars at the end of each and every year thereafter, until all of said bonds are paid, and the same shall be paid from the money provided for in said sinking fund.

SEC. 4. *Fourth, Provided further*, That in the erection of said building, one of the stories thereof shall be set apart as a free public hall, and also for offices for the use of the city, the same to be under the control of the common council of said city, who shall make rules and regulations governing the use of the same.

Approved April 22, 1875.

[No. 339.]

AN ACT to authorize the common council of the city of Detroit to manufacture and sell illuminating gas.

Board of gas
commissioners,
how appointed
and classified,
and term of office

SECTION 1. *The People of the State of Michigan enact*, That there shall be appointed by the common council of the city of Detroit, on the nomination of the mayor, four freeholders and electors of the city of Detroit who shall constitute a board to be known and designated as "The board of gas commissioners of the city of Detroit." Such persons shall hold their offices for the term of one, two, three, and four years respectively from the time of their appointment, which term shall be determined by lot, in the man-

ner prescribed by ordinance for drawing lots,—each succeeding member so appointed by the [common] council shall be nominated in like manner, on the second Tuesday before the expiration of the term of office of any member whose term will next expire, and for the term of four years; all vacancies on said board, whether by expiration of term of service or otherwise, shall be filled by the nomination of the mayor, and be confirmed by the common council.

Vacancies, how filled.

SEC. 2. That the persons constituting said board, when appointed, and their successors in office, shall be known by the name and style of "The board of gas commissioners of the city of Detroit," and by that name shall have power to contract, sue and be sued, to purchase, hold, and convey real and personal estate, to have a common seal, to alter and change the same at pleasure, to make by-laws and ordinances, and do all legal acts which may be necessary and proper to carry into effect the intent and object of this act.

Corporate name and powers.

SEC. 3. The said commissioners shall choose one of their own number as president, who shall hold his office during the term for which he was appointed, and in case of a vacancy occurring in his office, by his removal from the city or from office, resignation, death, or otherwise, the board shall appoint his successor as such president, during the term of such person so appointed. They shall also appoint some suitable and proper person as secretary, who shall hold his office at the pleasure of said board, and employ superintendents, surveyors, engineers, collectors, clerks, and others, as shall be necessary to enable them to perform the duties of this act; but in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

Executive officers of board.

Agents and employes.

Commissioners to receive no compensation.

SEC. 4. Any member of said board of commissioners may at any time be removed by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on their journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against the commissioner sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time assigned.

Council may remove commissioners.

Proviso—copy of charges to be served.

SEC. 5. No one or more of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them, with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Commissioners not to be interested in contract, etc.

SEC. 6. It shall be the duty of said commissioners to examine and consider all matters relative to manufacturing and supplying the city of Detroit, for the use of its inhabitants, with a sufficient quantity of illuminating gas, and as soon as the necessary funds shall have been procured, as hereinafter provided, to purchase land and materials for, and to construct such works, buildings, machinery, pipes, and fixtures, as shall be deemed necessary for the manufacturing of a full supply of gas for public and private use in said city.

Duties and powers of commissioners.

SEC. 7. Said commissioners shall have power to construct reser-

Idem.

voirs, and lay pipes in and through all the streets, public places, and alleys of said city, and to fix the price of gas per thousand feet, or in such other quantity or quantities as they may deem necessary, and to make and enforce all necessary by-laws, rules, and regulations for the use of, and for the collection and payment of said gas, and for the preservation and use of the property of every kind belonging to said city: *Provided*, That the common council may revoke, alter, change, and abolish any of said rules and regulations, and by resolution or ordinance make others, if necessary, in their place and stead, which shall be binding and be obeyed by said commissioners and all persons, whether receiving gas from said city or not. And any such by-laws, regulations, rules, and ordinances, shall be evidence in any court of justice: *Provided*, That such by-laws and regulations made by said commissioners shall be entered at length of record, in a book kept for that purpose, and signed by the president and secretary.

Board may make by-laws.

Proviso—
council may re-
voke or change
by-laws.

By-laws evi-
dence when re-
corded.

Entry upon land,
etc., for making
surveys.

Board to pur-
chase property,
etc.

How property
to be acquired
in case of disa-
greement.

SEC. 8. The said commissioners, and, under their direction, their agents, servants, and workmen, are hereby authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of, and to purchase any property which may be required for the purposes of this act, as to the amount of compensation to be paid to said owner, and to pay the same.

SEC. 9. In case of disagreement between the commissioners and the owner of any property which may be required for the use of said board, or affected by any operation connected therewith, the same proceedings may be taken to acquire the same, either in fee or for the use thereof, then the necessity for taking or using such lands for such purposes, and the damages to be paid therefor, shall be ascertained, and for that purpose the same proceedings had as is provided for in sections eighteen, nineteen, and twenty, being amendments approved April twelve, eighteen hundred and seventy-three, to the act entitled, "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water," approved February fourteen, eighteen hundred and fifty-three.

Board may pur-
chase gas works
with consent of
council.

SEC. 10. Said board shall have full power and authority to purchase of any incorporated company, having the right to erect gas works, and supply gas in the city of Detroit, its works, property, and rights, and take a conveyance thereof to said board, provided the consent of the common council shall be first obtained therefor; thereupon the property so purchased shall be held by said board and be subject to all the provisions of this act and of the rights of the company from whom they were so purchased.

Board to furnish
estimates to
council.

SEC. 11. Before any contract or agreement shall be made by said board, requiring the expenditure or payment of money, and before any obligation whatever shall be incurred, said board shall make and present an estimate to the common council, annually, of the amount immediately needed to purchase land, erect buildings, machinery, and works for the purposes aforesaid, and a separate estimate of the amount needed to lay the mains and pipes to said works, to purchase gas works already erected, and for other purposes during the next fiscal year; which estimates, if approved, or

so much and such part thereof as shall be approved by the council, shall be submitted to the board of estimates, and the same shall be subject to the action of said board of estimates, the same as other estimates are disposed of; and, if allowed, in whole or in part, then such board of estimates shall determine whether the amount shall be raised by taxation or by the issuing of bonds, or by both, and the board of estimates shall determine when said bonds shall be payable; but no bonds shall be issued for the payment of any interest thereon exceeding seven per cent, nor shall the same be sold for less than par.

Must be approved by council and board of estimates.

Board of estimates to determine how money shall be raised, and when payable.

Rate of interest. Bonds not to be sold less than par.

SEC. 12. The said commissioners shall have power to loan, from time to time, upon the best terms they can make, after giving public notice by advertising in the city papers for thirty days, a sum of money not exceeding the amount determined by the board of estimates, upon the credit of the city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said board of commissioners, and shall be signed by the president thereof, the mayor, and the controller of the city of Detroit, and bearing interest not exceeding seven per cent per annum. And it shall be the duty of said commissioners and controller to cause to be kept an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and to whom the same was issued.

Board may make loans and issue bonds.

Bonds, how issued and rate of interest.

Record of bonds to be kept.

SEC. 13. All moneys collected by taxation, and all moneys received from sale of bonds, shall be paid to the treasurer of the city of Detroit, who shall hold the same subject to the order of said board, to be drawn as required for use, and in such manner as the common council shall determine.

Moneys to be paid to and disbursed by city treasurer on order of board.

SEC. 14. No debt shall be created by said board, for any purpose, at any time, exceeding the amount allowed by the board of estimates, and for the payment of which bonds have been sold, or assessments made and levied to pay the same.

Limitation as to indebtedness.

SEC. 15. The question of issuing bonds or raising money by taxation, as provided in this act, shall be first submitted to a vote of the qualified electors at some general or special election, when ordered by the common council of said city, and a majority vote shall determine the question.

Question of issuing bonds to be submitted to electors.

SEC. 16. This act shall take immediate effect.

Approved April 22, 1875.

[No. 340.]

AN ACT to amend sections one, two, and three of an act entitled "An act to fix the boundaries of union school district number one of the city of Jackson, and to authorize said district to raise money by taxation," approved February fifteen, eighteen hundred and fifty-nine, and to add five new sections, to stand as sections four, five, six, seven, and eight.

SECTION 1. *The People of the State of Michigan enact, That* sections one, two, and three of an act entitled "An act to fix the

Sections amended.

boundaries of union school district number one of the city of Jackson, and to authorize said district to raise money by taxation," approved February fifteenth, eighteen hundred and fifty-nine, hereby are amended so as to read as follows:

Boundaries.

SECTION 1. *The People of the State of Michigan enact,* That all that portion of the city of Jackson that lies west of Grand river, and such contiguous territory as is now, or may hereafter be thereto annexed for school purposes, shall constitute a single school district, and be known and designated as union school district number one, of the city of Jackson, and such district shall have all the powers and privileges conferred upon school districts by general law, and in addition thereto such powers and privileges as may have been heretofore or may hereafter be conferred upon it by special enactment.

Powers and privileges.

Annual meeting; trustees to be elected; term of office.

SEC. 2. At the annual meeting of said district to be held on the first Monday in September next, the qualified voters thereof shall elect by ballot two trustees for the term of three years (who with the four trustees holding over will constitute a board of six), and annually thereafter, in the same manner, they shall elect two trustees, who shall hold their office three years, and until their successors shall have been elected and qualified.

Executive officers.

SEC. 3. Within twelve days after each annual meeting, the board of trustees shall meet and elect from their own number a president, secretary, and treasurer, who shall severally hold their offices one year, and until their successors are duly elected, and whose powers and duties shall be the same as those conferred upon and required of the moderator, director, and assessor of school districts in this State, except so far as the same may be varied by this act, or other acts relating to said district. Said board of trustees shall have the power to fill any vacancies which may occur in their number, by resignation or otherwise, or in the officers elected by them. Said board of trustees shall, before hiring any teacher, examine into his or her qualifications, and all teachers employed by said board shall be considered legally qualified teachers, without further or other examination by any officer or person.

Powers and duties.

Filling of vacancies.

Examination of teachers.

Sections added.

SEC. 2. There shall be added to said act five new sections, to stand as sections four, five, six, seven, and eight.

**Board may appoint superintendent, etc.
May employ teachers, etc.**

Conditions of attendance.

Courses of study.

Rules and by-laws.

Fees for tuition of non-resident pupils.

SEC. 4. Said board shall have the power to appoint a superintendent of schools, and to define his powers and duties, and to fix his compensation therefor; to employ all necessary teachers, and fix the amount of their compensation; to classify and grade the several schools, and determine the ages and qualifications for admission thereto, and the conditions for remaining therein, and which schools or departments pupils shall attend; to adopt courses of study and text-books; to make such rules and by-laws as they may deem necessary for the preservation of the property of the district, for the government of the schools thereof, and in reference to all other business connected therewith; and also to levy and collect such sums as they may deem proper for the tuition of each and every pupil taught in said schools who is not actually a resident of the district.

SEC. 5. The qualified voters of said district may, by a majority vote of those present and voting at any annual meeting, or at a special meeting called for that purpose, raise by tax, upon the taxable property of the district, such sum or sums as shall be necessary to purchase lots, build school-houses, and furnish the same, provide apparatus and fuel, pay for repairs, pay teachers and officers, and all necessary and incidental expenses, and make the several schools of the district free of tuition to the resident pupils thereof, and at any annual meeting, by a two-thirds vote, such qualified voters may authorize the board of trustees to borrow money on the bonds of the district, for such term of years, and at such rate of interest, as the meeting may direct, not to exceed ten per cent per annum, for the purpose of building school-houses and making additions thereto, or for the payment of bonds to become due: *Provided*, That such indebtedness shall at no time exceed twenty thousand dollars.

Qualified voters may vote money, etc.

Free tuition.

Bonds may be authorized by two-thirds vote. Rate of interest.

Proviso.

SEC. 6. The treasurer of said district shall give bonds in such sums as the board of trustees shall annually direct, and shall have power, in the name of the district, to collect all moneys due for tuition, and for any damage done to the property of the district, by suit at law, under the direction of the board of trustees.

Treasurer to give bonds.

May collect moneys, etc.

SEC. 7. The secretary shall keep a record of the proceedings of the board of trustees, and of annual or special meetings of the district, and also of the rules and by-laws which said board may from time to time enact, and shall perform such other duties as the board of trustees may require, and receive such compensation for his services as said board may deem just.

Duties of the secretary, compensation, etc.

SEC. 8. All acts and parts of acts, general or special, conflicting with the provisions of this act, shall not be binding upon said district.

Acts not binding

SEC. 9. This act shall take immediate effect.

Approved April 22, 1875.

[No. 341.]

AN ACT to define the boundaries of the city of East Saginaw, and the several wards and election districts thereof.

SECTION 1. *The People of the State of Michigan enact*, That the boundaries of the city of East Saginaw shall be and remain as the same were established and described by courses and distances in act number two hundred and fifty-five, of volume two of the laws of eighteen hundred and seventy-three, which act was approved April eighteen, eighteen hundred and seventy-three, and which boundaries are as follows: Commencing at a point where the north section line of section eighteen, town twelve north, range five east, crosses the center of the Saginaw river, thence east along said section line to the northeast corner of said section eighteen; thence south along the east lines of sections eighteen, nineteen, and thirty, to the southeast corner of said section thirty, in said township and range; thence west along the south line of said sec-

Boundaries.

Boundaries of wards. tion thirty to the southwest corner thereof; thence south along the east line of section thirty-six, in town twelve north, of range four east, to the southeast corner of said section thirty-six; thence west along the section line to the southwest corner of said section thirty-six; thence south along the east line of section two, in town eleven north, range four east, to the quarter line in said section two; thence west along the said center or quarter line of said section two to the center of the Saginaw river; thence northerly along the center or main channel of said Saginaw river to the place of beginning. And said city shall be divided into eight wards, the boundaries of which shall continue and remain as particularly described in section two of said last named act.

Election districts SEC. 2. The common council of said city of East Saginaw may subdivide the second, third, and fourth wards each into two election districts whenever such council, by a two-thirds vote, shall so direct: *Provided*, That the same shall not be so divided at any time within sixty days next before an election to be held in said wards, or either of them.

Proviso.

SEC. 3. In case said common council shall subdivide said wards into election districts as herein provided, said council shall also provide for a board of registration for each election district, and the voters thereof shall be registered under the same regulations as are or may be prescribed by law for registration in the several wards of said city.

SEC. 4. This act shall take immediate effect.

Approved April 22, 1875.

[No. 342.]

AN ACT to re-incorporate the village of Evart, in the county of Osceola.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That the territory described as the northwest quarter of the northwest quarter, and lots two and three, of section three, township seventeen north, of range eight west, and the west half of the northwest quarter, and the northeast quarter of the northwest quarter, and the west half of the southwest quarter, and lots two, three, six, and seven, of section thirty-four, in township eighteen north, of range eight west, in the county of Osceola, shall be and the same is hereby re-incorporated as the village of Evart.

Officers, etc.

SEC. 2. The officers of said village now in office shall continue in office, with the same powers and duties as are conferred by this act upon like officers until their successors shall be elected, pursuant to the provisions of this act and the general law relating to villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five.

Ordinances to continue in force.

SEC. 3. All ordinances and resolutions of said village of Evart shall continue in force until repealed.

SEC. 4. The first election under this act shall be held on the second Monday of March, eighteen hundred and seventy-six, and such election shall be held at such place as the present village board shall order. Notice of the time and place of holding such election shall be given by publication in a newspaper published in said village at least two weeks before the election shall be held. First election.

SEC. 5. Said village of Evart is hereby made subject to the general law entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five. Said village shall possess all the powers and be subject to all the duties and liabilities imposed by said act. The village as re-incorporated shall possess all the property and rights, and be subject to all the liabilities and obligations of the village as heretofore incorporated. Village subject to general law. Property rights, etc., preserved.

SEC. 6. This act shall take immediate effect.

Approved April 22, 1875.

[No. 343.]

AN ACT to legalize the action of school district number nine, fractional of the townships of Lenox and Chesterfield, in the county of Macomb.

SECTION 1. *The People of the State of Michigan enact*, That the action of the qualified voters of school district number nine, fractional of the townships of Lenox and Chesterfield, in the county of Macomb, had at the annual school meeting held in said district, on the seventh day of September, in the year of our Lord one thousand eight hundred and seventy-four, electing a district board consisting of six trustees, be and the same is hereby declared legal. Action legalized.

SEC. 2. The action of said school meeting, changing the school therein to a high or graded school, shall in no wise be affected by any informality in the notice of such meeting. Graded school not affected.

SEC. 3. This act shall take immediate effect.

Approved April 22, 1875.

[No. 344.]

AN ACT to re-incorporate the village of Newaygo.

SECTION 1. *The People of the State of Michigan enact*, That all those tracts or parcels of land known and described as follows: The south half of section eighteen, the entire of section nineteen, in township twelve north, of range twelve west; the south half of section thirteen, and the entire section twenty-four, township twelve north, of range thirteen west, be and the same is hereby re-incorporated as a village by the name of the village of Newaygo. Boundaries.

SEC. 2. All the by-laws and ordinances of said village are continued in force until the same be changed in accordance with law. By-laws continued in force.

- Officers, etc.** SEC. 3. The present officers of said village shall continue in office until their successors shall be elected and qualified in accordance with the provisions of this act and the general law relating thereto.
- First election.** SEC. 4. The time and place of holding the first election under this act shall be fixed by the present board of trustees of said village, but such time shall not be more than sixty days after this act shall take effect as provided by law, and all the provisions of law relating to the village elections shall be applicable to such election except as herein otherwise provided.
- Village subject to general law.** SEC. 5. The said village of Newaygo is hereby made subject to the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the said village hereby re-incorporated shall possess all the rights and powers and be subject to all the duties and liabilities prescribed in said last named act.
- Property rights, etc., preserved.** SEC. 6. The village of Newaygo, as re-incorporated, shall possess all the property and rights and be subject to all the liabilities and obligations of the village as hereinbefore incorporated.
- SEC. 7. This act shall take immediate effect.
- Approved April 22, 1875.

[No. 345.]

AN ACT to incorporate the village of Trenton, in the county of Wayne.

- Boundaries.** SECTION 1. *The People of the State of Michigan enact, That* all that certain tract of land situated in the county of Wayne and State of Michigan, being in township number four (4) north, of range number eleven (11) east, and described as follows, to-wit: That part of fractional sections numbers eighteen and nineteen, described as follows: Commencing at a point the extreme north end of Slocum's Island, and on Detroit river; thence west to the Detroit, Toledo, and Canada Southern railroad; thence northerly along the east line of said railroad to the centre of George street, as extended; thence east along the centre of George street to the Detroit river; thence southerly along the margin of Detroit river to the north end of Slocum's Island, to the place of beginning; **is**
- Village corporate** hereby constituted a village corporate known and designated as the village of Trenton.
- First election.** SEC. 2. The first annual election in said village shall be held on the second Monday of March, eighteen hundred and seventy-six, at the school house in said village. John Clee, William Dudelson, Sr., and John Simmons, Sr., shall act as inspectors of such election:
- Proviso.** *Provided,* That the neglect to hold such election at the time hereinbefore named, shall not be deemed to work a dissolution of such corporation; but in such case it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village by posting the same, containing a designation of the time and place

thereof, in three of the most public places in said village, at least ten days before such election shall be held.

SEC. 3. The said village of Trenton [shall] in all things not herein otherwise provided be governed by, and its powers and duties defined by, an act entitled "An act creating and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five. Village subject to general law.

SEC. 4. William Dudelson, Sr., and John Simmons, Sen., are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the second Tuesday of May, eighteen hundred and seventy-five, aforesaid, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings. Registration.

SEC. 5. This act shall take immediate effect.

Approved April 22, 1875.

[No. 346.]

AN ACT to amend sections two, four, eight, nine, and twelve, of act number two hundred and sixty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the village of Hudson," approved February twenty-seventh, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section [sections] two, four, eight, nine, and twelve, of act number two hundred and sixty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the village of Hudson," approved February twenty-seventh, eighteen hundred and sixty-seven, be amended so as to read as follows: Sections amended.

SEC. 2. The following officers of the corporation shall be elected by the qualified electors of said village, at the annual village election, to be held on the first Monday of March next, at the engine house in the village of Hudson, viz.: one president, one recorder, one treasurer, one marshal, one street commissioner, one assessor, and six trustees. Three of said trustees shall then be elected for one year, and three of said trustees shall then be elected for two years; and annually thereafter, on the first Monday of March, there shall be elected by plurality of votes, one president, one recorder, one treasurer, one marshal, one street commissioner, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified: *Provided*, That if an election of such officers shall not be made on said first Monday of March, it shall be lawful to hold such election at any time, by giving notice thereof, as provided in this act. Officers, when and where elected.

SEC. 4. The common council may appoint a village attorney, when deemed necessary by them, and all such other officers whose election is not herein specially provided for, as they may deem Term of office. Provido. Council may appoint attorney and other officers.

Powers and duties, terms of office.

necessary to carry into effect the powers granted by this act, and may prescribe their duties; but any such appointment shall be made at a regular meeting of the common council, and the terms of all officers appointed by the common council shall expire at the next annual village election succeeding their appointment.

Compensation of officers.

SEC. 8. The president and trustees shall each receive for services rendered by them as inspectors of elections, and when determining what persons are elected to office as provided in section eighteen, such compensation as shall be allowed by law to inspectors of elections in the several townships of this State; but for all other services rendered by them, they shall receive no compensation; the treasurer, recorder, assessor, marshal, street commissioner, and all officers appointed by the common council, shall each receive such compensation for their services as the common council shall from time to time direct, by resolution entered upon their records.

Power of council to remove officers.

SEC. 9. The common council shall have power to remove from office the marshal, street commissioner, and any officer appointed by them, for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council; but such removal shall not exonerate any such officer or his sureties from any liability incurred.

Vacancies, how filled.

SEC. 12. In case a vacancy shall occur in the office of president, trustee, treasurer, or assessor, the same shall be supplied by a special election; and in all other cases of vacancy the same may be supplied by appointment by the common council.

SEC. 2. This act shall take immediate effect.

Approved April 23, 1875.

[No. 347.]

AN ACT to authorize the township board of the township of Kal-
amo, Eaton county, to convey certain lands.

Authority to convey.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Kalamo, Eaton county, be and is hereby authorized to convey by deed of release to John Wilson, of said township, the following described lands, belonging to said township, to wit: commencing ninety-four rods north of the south-east corner of the west half of the northwest quarter of section twenty-nine, town two north, of range six west; thence west twelve rods, thence north ten rods, thence east twelve rods, thence south ten rods to the place of beginning, containing one hundred and twenty rods of land; being in the township of Kalamo, county of Eaton, State of Michigan.

Proceeds, how disposed of.

SEC. 2. The proceeds of such sale shall be paid into the township treasury, for the use of said township.

SEC. 3. This act shall take immediate effect.

Approved April 23, 1875.

[No. 348.]

AN ACT to amend section twenty-eight, of act two hundred and nine (209), of the session laws of eighteen hundred and seventy-one, being an act entitled "An act to incorporate the village of Homer," approved March sixth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-eight, of act number two hundred and nine, session laws of eighteen hundred and seventy-one, being an act entitled "An act to incorporate the village of Homer," approved March six, eighteen hundred and seventy-one, shall be, and the same is hereby amended so as to read as follows: Section amended.

SEC. 28. Whenever the lands of any person shall be required by said village for the construction, or for widening or extending streets, lanes, alleys, drains, or sewers within said village, the common council may obtain the same as provided by section twelve of chapter seven, of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five. Acquiring lands for streets, etc.

SEC. 2. This act shall take immediate effect.

Approved April 23, 1875.

[No. 349.]

AN ACT to incorporate the village of Fremont, in the county of Newaygo.

SECTION 1. *The People of the State of Michigan enact, That* all of the following described territory situated in the townships of Dayton and Sheridan, in said county of Newaygo, to-wit: all that territory bounded by a line commencing at the northwest corner of section two, in township number twelve north, of range fourteen west, and running thence south one hundred and seventy-six rods; thence east four hundred rods; thence north one hundred and seventy-six rods; thence west four hundred rods; and also commencing at the southwest corner of section thirty-five, in township number thirteen north, of range fourteen west, and running thence north eighty rods; thence east four hundred rods; thence south eighty rods; thence west four hundred rods to place of beginning,—embracing the following described territory, to-wit: The north one-half of section two; also sixteen rods off the north side of the south half of section two; also the west half of the northwest quarter of section one; and also sixteen rods off the north side of the northwest quarter of the southwest quarter of section one, all in township number twelve north, of range fourteen west; also, the south half of the south half of section thirty-five, and the southwest quarter of the southwest quarter of section thirty-six, in township thirteen north, of range fourteen west, be and the same is hereby set off from the townships of Dayton and Boundaries.

	Sheridan, in said county of Newaygo, and is hereby re-incorporated and declared to be a village by the name of the village of Fremont, by which name it shall hereafter be known.
By-laws continued in force.	SEC. 2. All the by-laws and ordinances of said village are continued in force until the same be changed in accordance with law.
Officers continued in force.	SEC. 3. The present officers of Fremont Center shall continue in force until their successors shall be elected and qualified in accordance with the provisions of this act and the general law relating thereto.
Property rights, etc., preserved.	SEC. 4. The village of Fremont as incorporated shall possess all the property and rights and be subject to all the liabilities and obligations of the village of Fremont Center hereinbefore incorporated.
First election.	SEC. 5. The time and place of holding the first election under this act shall be fixed by the present board of trustees of said village, but such time shall not be more than sixty days after this act shall take effect as provided by law, and all the provisions of law relating to village elections shall be applicable to such election except as herein otherwise provided.
Village subject to general law.	SEC. 6. The said village of Fremont is hereby made subject to the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the said village hereby incorporated shall possess all the rights and powers and be subject to all the duties and liabilities described in said last named act.
	Approved April 23, 1875.

[No. 350.]

AN ACT to re-incorporate the village of Cassopolis.

ARTICLE I.

Boundaries.	SECTION 1. <i>The People of the State of Michigan enact, That all that certain tract of land situate in the county of Cass, and State of Michigan, and described as follows, to wit: All of the southwest quarter and the south half of the northwest quarter of section twenty-five, the southeast quarter and the south half of the northeast quarter of section twenty-six, the northeast quarter and the north half of the southeast quarter of section thirty-five, and the northwest quarter and the north half of the southwest quarter of section thirty-six, in township six (6) south, and range fifteen (15) west, in the county of Cass, in this State, is hereby constituted a</i>
Incorporation.	<i>village corporate, known and designated as the "Village of Cassopolis."</i>
Corporate name.	SEC. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "the village of Cassopolis," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity, and may make and
Rights and franchises.	

use a common seal and alter the same at pleasure ; and also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

OF THE OFFICERS OF SAID VILLAGE.

SECTION 1. The officers of said village shall be a president, six trustees, one clerk, one marshal, who shall also be collector of taxes and assessments, one treasurer, one assessor, and such other officers to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act. Officers.

SEC. 2. Each of the officers named in the preceding section shall be chosen by ballot. Chosen by ballot.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

SECTION 1. The inhabitants of said village having the qualifications of electors under the constitution of this State, shall meet at the court-house in said village on the first Tuesday of May, in the year of our Lord one thousand eight hundred and seventy-five, and there proceed to elect one president, one clerk, one marshal, one treasurer, one assessor, and three trustees, who shall severally hold their office for one year ; also three trustees who shall severally hold their office for two years ; and the inspectors of such election shall certify thereto accordingly immediately after the canvass shall be finished : *Provided*, That in case of any vacancy in any of the offices of said village the same shall be filled by appointment as provided for herein. First election.

SEC. 2. At every election after the first there shall be elected one president, one clerk, one marshal, one treasurer, and one assessor, who shall severally hold their office for one year, and three trustees, who shall severally hold their office for two years. Certificate of election.

SEC. 3. The term of office of all officers shall commence immediately after their election and qualification, and shall continue until the election and qualification of their successors. Term of office.

SEC. 4. Elections for officers after the year eighteen hundred and seventy-five shall be held on the first Tuesday of March in each year, at such places as shall be designated by the board of trustees. When to begin and end.

SEC. 5. If any election for the offices of said village shall not be held on the day when, pursuant to this act, it should be held, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of regular elections. Annual elections.

SEC. 6. The officers in office in said village, at the time of the passage of this act, shall continue to exercise the duties of their office until others are elected and qualified under the provisions of this act. Of failure to hold elections at proper time.

Certain officers to continue to exercise duties.

ARTICLE IV.

OF THE QUALIFICATION OF OFFICERS.

- Qualifications for office.** SECTION 1. The officers of said village elected in pursuance of the provisions of this act, or appointed as hereinafter provided for, shall be residents and legal voters of said village.
- Oath of office.** SEC. 2. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, to be administered by the clerk of said village or by any officer authorized to administer oaths, to support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by said village clerk.
- Official bonds.** SEC. 3. The treasurer and marshal, and such other officers as the board of trustees may require so to do, shall each severally, before they enter upon the duties of their office, execute a bond to the village of Cassopolis in such sums, and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their office, honestly and faithfully account for and pay over all money received by them by virtue of said office, which bond, with the approval of the board of trustees endorsed thereon, certified by the clerk, shall be delivered to and filed by the clerk of said village.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

- Member of board of trustees.** SECTION 1. The president shall be *ex officio* a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee.
- To preside at meetings of board, etc.** SEC. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or shall be demanded in writing for any specific purpose, by them, of the trustees, or ten electors of said village.
- To preside at elections.** SEC. 3. The president shall preside at all elections held under and by virtue of this act.
- To enforce by-laws, etc.** SEC. 4. The president shall see that all the by-laws, rules, regulations, and ordinances of said village are faithfully enforced and prosecuted in the name of the village of Cassopolis, all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations, or ordinances passed by virtue thereof.
- To lay reports of officers before board of trustees.** SEC. 5. He shall receive and lay before the board of trustees the official report of all officers who may be required to make such reports, and in connection therewith suggest the passage of such measures as, in his judgment, the necessities of the village may require.

SEC. 6. He shall appoint, by and with the consent of the trustees, such officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act. To appoint fire wardens, etc.

SEC. 7. The president shall inspect and have the supervising and control of the public property belonging to said village, and see that the same is properly cared for and kept in order. To have control of public property.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

SECTION 1. The board of trustees shall have the control and management of all the finances, and of all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village. Board of trustees to have control of finances and real and personal property.

SEC. 2. The board of trustees shall have full power within said village: Power of.

First, To declare and define the powers and duties of the officers of said village whose powers and duties are not specifically prescribed in this act; To define powers of officers.

Second, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer and marshal, and such other officers as they shall deem proper to require security from in the discharge of their official duty; To approve official bonds.

Third, To provide for the care and custody and preservation of the public property of said village; Care of property.

Fourth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them; Supervision of officers.

Fifth, To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department, and define their duties and prescribe penalties for their delinquencies; Fire department.

Sixth, To establish fire limits, within which no wooden building shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove pipes; to regulate the construction of smith-shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portion of the village as they shall deem best, to provide one or more fire-buckets, and to regulate the keeping of the same; Regulations for the prevention of fires.

Seventh, To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gambling tables, or any other device or instrument for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation, or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors, and drunkards to be apprehended and punished; To prevent vice, etc.

To prevent
traffic in liquors.

Eighth, To prevent the selling or giving away of spirituous or fermented liquors, and prohibit all gaming and fraudulent devices, and regulate, tax, or restrain all billiard tables, bowling alleys, and drinking saloons;

To license or
prohibit exhibi-
tions, etc.

Ninth, To license and regulate theaters, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage from the community within the limits of said village;

To prevent
immoderate
driving, etc.

Tenth, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the street unfastened;

To remove
nuisances.

Eleventh, To prevent and remove nuisances, and to punish persons for committing the same, and to tax all bowling alleys and drinking saloons;

Incumbrances of
sidewalks.

Twelfth, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt, and to destroy noxious weeds on the edges thereof, and to remove every incumbrance or obstruction; and to drain, fill up, and dyke the same, and abate any nuisance thereon;

To regulate the
storing of com-
bustibles.

Thirteenth, To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, lumber, and other combustible material;

To prevent the
use of weapons.

Fourteenth, To prevent the use of fire-arms, slung-shots, metal knuckles, and other weapons, and to prevent noise in the streets, lanes, and alleys in said village;

To regulate mar-
kets, etc.

Fifteenth, To direct the location of slaughter-houses, and regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, coal, and lumber;

Pounds and the
impounding of
animals.

Sixteenth, To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowls from going at large in the streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to authorize the impounding and sale of the same when found on the streets, lanes, alleys, or public grounds of said village, for the penalty incurred, and the costs for impounding, keeping, and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules, and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese, or poultry therein impounded; and make all needful rules and regulations for the effective use of the same; and no court, other than the circuit court for the county of Cass, or the courts held in said village pursuant to law, shall have jurisdiction of any action of replevin against the keeper of any pound in said village, for or on account of any animal, or animals, geese, or poultry impounded by virtue of any ordinance, by-law, or rule of said village;

Dogs.

Seventeenth, To prevent or regulate the running at large of dogs; to impose taxes on the owners or possessors; to require them to be muzzled; and to authorize their destruction if not muzzled, or the tax is not paid, or if found at large in violation of any ordi-

nance of said village; and to prevent dog fights in the streets, and to punish persons who may incite such fights;

Eighteenth, To erect lamps, and cause the public grounds and such of the streets of said village as they shall deem proper to be lighted at such times as, in their judgment, the wants and interests of the village may require;

The lighting of streets.

Nineteenth, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend;

Erection of buildings.

Twentieth, To prevent the erection and provide for the removal of all buildings deemed unsafe;

Unsafe buildings.

Twenty-first, To regulate the placing and provide for the preservation of horse-posts and shade trees;

Horse posts and shade trees.

Twenty-second, To regulate, tax, or suppress all billiard tables, or other tables kept for hire, gain, or reward;

Regulation of billiard tables, etc.

Twenty-third, To prohibit or regulate bathing in the waters of Stone Lake, in said village;

Bathing.

Twenty-fourth, To determine the routes and grades of any railroad to be laid in said village, and to regulate the use and speed of locomotives, engines, and cars upon the railroads within the village, and to provide a penalty for the violation thereof;

Routes and grades of railroads and the use of engines, etc.

Twenty-fifth, To purchase, hold, and maintain suitable grounds for a cemetery; survey and divide the same in such form and manner as they may deem proper; fix and determine the price of burial lots; sell and convey the same; ornament, fence, and improve such cemetery, or any burial ground now in said village, and enlarge or remove the same; regulate the burial of the dead; preserve tombstones and monuments; and exercise a general control over all burial places in said village;

Cemeteries.

Twenty-sixth, To establish, regulate, and preserve public wells, reservoirs, and pumps, and to prevent the waste of water;

Wells and reservoirs.

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts, and drays; and to prescribe the rates of fare and charges, and to license the same;

Regulation of public carriages.

Twenty-eighth, To ascertain, establish, and settle the boundaries of all streets, lanes, alleys, and other public grounds, and prevent and remove all encroachments and obstructions thereon, and to establish the grade of streets, lanes, alleys, and other public grounds, and of all sidewalks and crosswalks constructed thereon;

Boundaries and grades of streets etc.

Twenty-ninth, A majority of the trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time;

Quorum of trustees.

Thirtieth, The regular meetings of the board of trustees shall be on the first Monday of each month, and special meetings may be called and held at any time, but such special meetings shall only be called and held as provided for in section two, article five, of this act;

Meetings.

Thirty-first, To prohibit any person from bringing or depositing within the limits of said village any dead carcass, or other unwholesome or offensive substance, and to require the removal or destruction thereof; if any person shall have on his or her premi-

To prohibit nuisances.

ses such substances, or any putrid meats, fish, hides, or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the village.

Trustees to be commissioners of highways.

SEC. 3. The board of trustees shall be commissioners of highways, within the limits of said village, and as such may exercise all the powers that are now granted to commissioners of streets and highways in the several townships of this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more overseers of streets and highways as they may deem best.

To build sewers and grade alleys.

SEC. 4. The board of trustees shall upon the petition in writing, of a majority of the property owners' along the line of any proposed work, praying for the same, direct the building of sewers along the line of, or order and superintend the grading of any alley or lane in said village, and assess the cost and expense thereof upon the lots lying on either side of and adjoining the said work, in proportion that the frontage of each lot shall bear to the whole frontage of all the lots upon which the cost of said work is to be assessed; they shall also have full power and authority to provide for making, constructing, and repairing all side and cross walks in said village, and for paying the costs and expense of the sidewalks by assessment on the owners or occupants of the lots, lands, and premises in front of which sidewalks may be directed to be made, constructed or repaired; and for all assessments for crosswalks upon the property in said village liable to taxation.

Sidewalks.

May take private property for streets, etc.

SEC. 5. The board of trustees may take the land of any individual for cemetery or burial grounds, and for the purpose of constructing, widening or extending any highway, street, alley, lane, ditch, drain, or sewer, but not until such individual shall be paid therefor as provided for in article eighteen of this act.

May remove fences, etc.

SEC. 6. The board of trustees may at any time during the year exercise the power of ordering fences or other encroachments upon the highways, streets, alleys, or lanes, to be removed, or of opening, discontinuing, widening, and extending any highway, street, alley, or lane within said village.

May make ordinances, etc., and prescribe penalties.

SEC. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish, and publish, modify, amend and repeal by-laws, rules, regulations, and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding one hundred dollars, or imprisonment in the county jail not to exceed ninety days, or both such fine and imprisonment, for any offense except as herein otherwise provided for, and to enforce the same against any person guilty of such violation in any court having jurisdiction of such cases; but all such by-laws, rules, regulations and ordinances as provide for the imposition of a fine or penalty shall be published at least for two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

SECTION 1. The clerk shall be *ex officio* a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee. Duty of clerk.

SEC. 2. He shall attend and act as such clerk at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve, and keep all books and papers belonging to said corporation and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws or ordinances, rules, regulations, and notices, as the board of trustees shall direct. Clerk of elections and of trustees.

SEC. 3. He shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office, either personally or by leaving notice at the post-office, within five days thereafter. To keep poll list, etc.

SEC. 4. He shall give at least ten days' notice of the time and place of holding elections under this act, by publication or by posting the same in three public places in said village. To give notice of elections.

SEC. 5. The books and papers in the office of said clerk shall, at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand and tender of fees, at the rate of ten cents per folio therefor, he shall make out and furnish a certified copy or transcript of any paper or record filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced. To keep record, etc., open for inspection.

SEC. 6. In the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees or inspectors of election shall, for the time, designate. Absence of clerk.

ARTICLE VIII.

OF THE MARSHAL OF SAID VILLAGE.

SECTION 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations, and ordinances passed by the board of trustees of said village, according to the provisions of this act are enforced. Duties of marshal.

SEC. 2. He shall be chief of police, with powers belonging to constables of any township of this State, having power to enter any disorderly or gaming house or dwelling house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace may be, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in disorderly assemblages, and take them before any court of competent jurisdiction, who shall hear, try, and determine the To be chief of police, etc.

Proviso.

matter, and his fees shall be the same as constables in like cases: *Provided*, That nothing in this act shall be construed into his serving process in civil cases, except in cases where the said village shall be a party to the suit: *Provided further*, That the right of trial by jury, when demanded, shall in all cases be preserved.

To compel citizens to aid at fires.

SEC. 3. He shall have the power to compel the citizens to aid in extinguishing fires.

Marshal to collect taxes.

SEC. 4. The marshal shall be the collector of taxes in said village, and shall have full power to collect the same, as provided for in article fifteen of this act.

Subject to supervision of president and trustees.

SEC. 5. He shall, at all times, be subject to the provision and control of the president and trustee, [trustees] and shall, whenever directed by the board of trustees, make complaint in writing and on oath before any justice of the peace of La Grange township, in said county, for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal, and it shall be his duty to make such complaints without being so directed by the board of trustees.

SEC. 6. He shall report in writing to the board of trustees, from time to time, as he may be required by resolution of the board of trustees, of all his actions and doings by virtue of his office, which report shall be filed with the clerk of the village.

Removal from office.

SEC. 7. The marshal may be removed from office, on a two-thirds vote of the board of trustees, for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties, but the cause of such refusal shall, in all cases, be spread at large upon the records of the village.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

Duties of treasurer.

SECTION 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees.

To keep account and make report.

SEC. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees, prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report in writing of all items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation.

Disbursements.

SEC. 3. He shall not pay any money on account of said village, except upon resolution of the board of trustees, on an order signed by the clerk and countersigned by the president.

Sales for taxes.

SEC. 4. He shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article fifteen of this act.

ARTICLE X.

OF VACANCIES IN OFFICE.

SECTION 1. A vacancy in the office of any of the officers of said village, except president, shall be filled by appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at the first regular meeting when a quorum is present, after each annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

Filled by appointment.

President pro tempore.

ARTICLE XI.

OF THE COMPENSATION AND FINES OF OFFICERS.

SECTION 1. The president and trustees shall each receive the sum of fifty cents for attendance at every regular meeting, and in case of absence from any regular or special meeting, having notice of the special meeting, without a sufficient excuse, shall pay a fine of one dollar, which shall be deducted from any sum due for attendance.

President and trustees.

SEC. 2. The officers of said village, except as provided in section one of this article, shall receive such compensation as the board of trustees shall by resolution direct.

Other officers.

ARTICLE XII.

OF TAXATION.

SECTION 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article) upon taxable property within the limits of said village, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act.

Taxes.

SEC. 2. The board of trustees shall have power to levy a highway tax upon the taxable real and personal estate within said village, not exceeding in any one year the sum of one-half of one per cent upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys, and lanes of said village, as the board of trustees shall direct.

Highway taxes.

SEC. 3. The board of trustees shall have power to levy, and cause to be collected in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, not exceeding the age of fifty years, except paupers, idiots, lunatics, and others now or hereafter excepted by the laws of this State and in article twenty-four of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Poll tax.

No other highway tax to be levied.

SEC. 4. No other highway tax shall be levied and collected in said village, excepting those mentioned in sections two and three of this article; and the tax specified in those sections shall be included in and subject to the same proceedings as by this act are required to be had upon the general tax and the inhabitants of such village, and the property therein assessed shall not be assessed for any other or different highway, road, or bridge tax, except as above provided, and shall not be liable to assessment by the supervisor of said township of La Grange for such purposes.

All property subject to taxation.

SEC. 5. All property, real and personal, within the limits of said village, and not expressly exempted by the general laws of this State from taxation for county and township purposes, shall be liable to assessment and taxation by said village under the provisions of this act, whether the owner be a resident or non-resident of said village.

ARTICLE XIII.

OF THE ASSESSMENT OF TAXES.

Assessment roll.

SECTION 1. The assessor of said village shall, in each year, on or before the second Monday of June, in the year eighteen hundred and seventy-five, and on or before the second Monday of April in each year thereafter, make an assessment roll, containing a description of all the real estate and valuation of all the personal property, within the corporate limits of said village, liable to taxation by virtue of this act, and the name of the owner or occupant, agent, or trustee thereof, if known, and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its actual cash value, placing the value of real and personal property in separate columns.

Assessment at cash value.

SEC. 2. The assessor shall value separately each lot or tract of land, except where two or more village lots in the same block are owned and occupied as one parcel, in which case he may value all together, not exceeding one block, and if he shall knowingly and willfully value any of the real or personal estate within said village at a less sum than its actual cash value, he shall be deemed guilty of a misdemeanor, and shall be tried in the same manner, and on conviction thereof shall be subjected to the same fine and imprisonment as is provided for in case of misdemeanors by the general laws of this State.

Notice of review.

SEC. 3. The assessor, immediately after the completion of the assessment roll, shall give ten days' notice by publishing or posting in at least three public places in said village, that on a certain day, and at a certain place in said village, therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Review.

SEC. 4. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any persons [person] or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll as shall appear to him to be just and proper.

SEC. 5. Immediately after the expiration of ten days and review of the assessment roll, as aforesaid, the assessor shall certify the said roll under his hand to the board of trustees of said village, and shall also certify the total amount of real and personal valuation. Assessor to certify roll.

SEC. 6. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots as a special assessment for work done as provided for in section four, article six, of this act, which said certificate endorsed on said assessment roll shall be signed by the president and clerk of said village. Board to certify roll back to assessor.

ARTICLE XIV.

OF THE APPORTIONMENT OF TAXES.

SECTION 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon as provided for in the preceding section, proceed to estimate, apportion, and set down in two separate columns opposite to the several sums set down as the value of the real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums in dollars and cents, as a general, special, and highway tax thereon; also in a third column opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots as an assessment for special work done under section four of article six of this act, to be paid by the owner or owners or parties interested in such real or personal estate; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village. Apportionment of taxes.

SEC. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll, or from the persons liable to pay the same, the several sums mentioned therein opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village, by a certain day therein named, not more than forty days from the date of said warrant. Delivery of roll to marshal.

SEC. 3. The assessor may renew said warrant from time to time by direction of the board of trustees. Renewal of warrant.

ARTICLE XV.

OF THE COLLECTION OF TAXES.

Marshal to collect.

SECTION 1. The marshal, upon receiving any assessment roll and warrant, for the purpose of collecting the taxes therein named, shall be and remain at his office or place of business on Saturday of each week after receiving such assessment roll and warrant, for four weeks, and upon all taxes paid or tendered to him on such Saturdays, or at any other time before the said fourth Saturday, he shall add one per cent for collection fees; and upon all taxes collected by him after said fourth Saturday he shall add four per cent for collection fees.

Distress and sale.

SEC. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed, or liable to pay as aforesaid, the marshal shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof by publishing or posting printed or written notices in three public places in said village, at least ten days before such sale, and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment, with the charges of sale and distress thereon, the surplus shall be paid on demand to the owner or owners of such goods and chattels.

Unpaid taxes on personal property.

SEC. 3. In case any person upon whom any tax be assessed in said village for personal estate shall be a non-resident of, or shall have removed out of said village after the assessment, and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

Action at law to collect tax.

SEC. 4. Whenever any tax shall have been, or which may hereafter be assessed on personal property in said village, or any poll tax shall be returned by the marshal for non-payment, under the provisions of this act, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax, and no property shall be exempt from levy and sale upon an execution issued upon any judgment obtained for such taxes, except such as is exempted by law from sale for taxes.

Return of unpaid taxes.

SEC. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of the taxes, or in the renewal of the time thereof by the said assessor, as provided in section three of article fourteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Same a lien on property.

SEC. 6. The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the warrant to the marshal as aforesaid, for the term of one year from the date of the warrant to the marshal, he shall cause so much of the land, charged with such tax and assessment and interests [interest] to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Sale of land for taxes.

SEC. 7. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice for at least four weeks, by publication, or by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Notice of time and place of sale.

SEC. 8. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day until all is sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale as aforesaid.

Sale.

SEC. 9. In case less than the whole of any description shall be sold for the taxes, assessments, interests, and charges thereon, the portion thereof shall be taken from the north side of such description.

Where taken when part only is sold.

SEC. 10. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale there shall be paid to the treasurer for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such sale, the treasurer shall, at the expiration of one year, execute to the purchaser, his, her, or their heirs or assigns, a conveyance of the lands sold, which conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whom it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

Certificate of sale.

Redemption.

Deed to holder of certificate.

Legal value of same.

ARTICLE XVI.

OF THE REGISTRATION OF ELECTORS IN SAID VILLAGE.

Board of registration.

SECTION 1. The president, clerk, and one of the three trustees having the shortest term to serve, shall constitute the village board of registration.

Register of electors.

SEC. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village clerk.

Registration.

SEC. 3. The clerk of said village shall at any time (except as provided for in this act), on demand, enter in its alphabetical order the name of any person entitled to vote in said village under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Meeting of board and completion of registration.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village, and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE XVII.

OF ELECTIONS.

Election board.

SECTION 1. The president, clerk, and one of the three trustees whose term of office will first expire, shall constitute the election board, two of whom shall constitute a quorum.

Members of to take oath.

SEC. 2. The members of said election board shall, before entering upon the discharge of their official duty, take an oath or affirmation, to be administered one to the other, to faithfully and honorably discharge their duties as judge of election, and said election board shall constitute the board of inspectors of election within the meaning of this act.

Vacancy, how filled.

SEC. 3. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose, *viva voce*, such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors of that election during the continuance thereof.

Clerk of election.

SEC. 4. The clerk of said village, if present, shall be required by the board to act as clerk of the election, and if the village clerk shall not be present, the board shall appoint some suitable person to act as clerk, and each of the inspectors so chosen shall take the

constitutional oath of office, which oath either of the inspectors may administer.

SEC. 5. At any election held under and by the provisions of this act, and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Cassopolis to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein, except as is now or may be hereafter provided by the general laws of this State.

Register to be delivered to board.

Returned to clerk.

SEC. 6. At the first election held in said village under the provisions of this act, the registration book of the township of La Grange of the qualified electors of said village shall be used with the like force and effect as the register of the electors of the village of Cassopolis, provided for in this act.

Register of township to be used at first election.

SEC. 7. The registration of electors provided for in this act shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors, or the elections of the township of La Grange.

Registration only for village purposes.

SEC. 8. The board of registration and election in said village shall exercise the same powers to preserve the purity of elections as are now or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by the provisions of this act.

Purity of elections.

ARTICLE XVIII.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

SECTION 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of said board of trustees, of the intention of the said board of trustees to take such lands for the purposes aforesaid, and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her, or their legal representatives; and if, at the expiration of the time limited as aforesaid for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of La Grange to issue a *venire facias* to command the marshal of said village, or any constable of the county of Cass to summon and return a jury of twelve disinterested freeholders, residing without said village, to appear before said justice at a time therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal representatives, which jury, being

Proceedings prior to taking private property for streets, etc.

Proceedings when agreement cannot be made.

Tender of damages previous to taking property.

first duly sworn by the said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives therefor, for their respective losses according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or legally tendered before such land, grounds, or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal representatives, in whose favor the said judgment shall be rendered. It shall thereupon be lawful for the board of trustees to cause the said land, grounds, or premises to be occupied and used for the purposes aforesaid.

ARTICLE XIX.

OF PUBLICATION.

Publication defined.

SECTION 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in the newspaper of said village, if any such shall be published therein; and if not, then by posting up in at least three of the most public places in said village.

Proof of publication.

SEC. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village, when publication is made by posting up, as provided for in this act, of notice of tax sale, or passage of any by-law, rules, regulations, or ordinances of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XX.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Financial statement.

SECTION 1. The board of trustees shall, at the expiration of each year, cause to be made out and published, a true statement in writing of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year.

ARTICLE XXI.

OF DEPUTIES.

Deputy marshals.

SECTION 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal duly elected under the provisions of this act.

ARTICLE XXII.

OF MONEYS COLLECTED BY THE MARSHAL.

SECTION 1. The marshal shall pay all moneys collected by him by virtue of his office, except as herein otherwise provided for, within twenty days after receiving the same, to the treasurer of said village. When to be paid over.

SEC. 2. The treasurer of said village shall give a receipt in writing, signed by him as such treasurer, to the marshal or other person paying money to him on account of said village, acknowledging the receipt of the same. Treasurer to receipt for.

ARTICLE XXIII.

OF HIGHWAYS.

SECTION 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the township of La Grange. Exemption.

SEC. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the general fund, and no money shall be appropriated or paid from said fund, except for highway purposes. Moneys.

ARTICLE XXIV.

OF PRIVILEGES OF FIREMEN.

SECTION 1. Each member of the fire department, or an engine, hook and ladder, bucket, or hose company, duly organized by the board of trustees, shall be exempt from poll tax, and shall also be excused from serving on jury. Firemen exempt from poll tax, etc.

ARTICLE XXV.

OF THE CASS COUNTY JAIL.

SECTION 1. The corporation shall be allowed the use of the common jail of the county of Cass for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation, or ordinance passed by virtue thereof; and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, That said county of Cass shall in no manner be chargeable with the cost and expenses of such imprisonment in civil cases. Corporation may use county jail. Proviso—cost of imprisonment.

ARTICLE XXVI.

OF THE COMPETENCY OF CITIZENS.

SECTION 1. No person shall be an incompetent judge, witness, or juror, in any case in which said corporation is interested, by reason of his being an inhabitant of said village. As judges, witnesses, or jurors.

ARTICLE XXVII.

OF FORMER VILLAGE ACTS.

By-laws, etc.,
now in force.

SECTION 1. The by-laws, rules, regulations, and ordinances, and all acts of said village, are hereby declared legal and valid, and when not inconsistent with the provisions of this act, shall be and continue in force and effect until the same shall be repealed, reconsidered, or amended by the board of trustees.

ARTICLE XXVIII.

OF THE CONSTRUCTION OF THIS ACT.

This act a public
act.

SECTION 1. This act is hereby declared a public act, and the same shall be favorably construed in all courts; and copies thereof, printed under authority of the Legislature, shall be received without further proof.

SEC. 2. This act shall take immediate effect.

Approved April 23, 1875.

[No. 351.]

AN ACT to incorporate the village of Hersey, in the county of Osceola.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: lots two (2), three (3), and four (4), and the west fractional half of the southwest fractional quarter; the northwest fractional quarter of the northeast fractional quarter, and the northwest fractional quarter of section nineteen (19), township seventeen (17) north, of range nine (9) west, and the east half of section twenty-four (24), in township seventeen (17) north, of range ten (10) west, in the county of Osceola, State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Hersey.

Incorporation.

First election.

SEC. 2. The first election of officers of said village shall be held on the second Monday in May, in the year of our Lord one thousand eight hundred and seventy-five, at the Richmond House.

Board of registration.

SEC. 3. Josiah K. Hart and Henry Gayhart are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the second Monday of May, eighteen hundred and seventy-five, aforesaid, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings.

Notice of election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least ten days before the time of said election, which notice may be required by any five freeholders in said village.

SEC. 5. The said village of Hersey shall, in all things not herein otherwise provided, be governed by, and its powers and duties defined by, an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, in the year of our Lord one thousand eighteen hundred and seventy-five. Corporation subject to general law.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act. Election within one year.

SEC. 7. This act shall take immediate effect.

Approved April 23, 1875.

[No. 352.]

AN ACT to amend section seven of article six of act number two hundred and fifty-one, of the session laws of eighteen hundred and seventy-three, entitled "An act to re-incorporate the village of Alma," and to add two new sections thereto.

SECTION 1. *The People of the State of Michigan enact, That* section seven of article six of act number two hundred and fifty-one, of the session laws of eighteen hundred and seventy-one, entitled "An act to re-incorporate the village of Alma," be amended so as to read as follows: Section amended.

SEC. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish, and publish, modify, amend, and repeal the by-laws, rules, regulations, and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail or village prison or lock-up not to exceed ninety days, or both such fine and imprisonment for any one offense, except as herein otherwise provided for, and to enforce the same against any person guilty of such violation in any court having jurisdiction of such cases, but all such by-laws, rules, regulations, and ordinances as provide for the imposition of a fine or penalty shall be published at least for two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village. Trustees may make by-laws, etc.

SEC. 2. That two new sections be added to said act, to stand as sections one and two of miscellaneous provisions, and read as follows: New sections.

MISCELLANEOUS PROVISIONS.

SECTION 1. Suits or prosecutions for violation of the ordinances and by-laws of said village, or for the recovery of any forfeiture or penalty under said ordinances or by-laws, may be commenced by warrant or summons, as shall be deemed most appropriate to the offense, and to the ordinance under which suit is brought, con- Actions for violation of by-laws.

forming as nearly as may be in their commencement, and in the subsequent proceedings to the practice and the requirements of the general statutes of the State in criminal and civil cases, as the case may be: *Provided*, That arrests may be made with or without warrant, and the subsequent proceedings may be summary, as far as the same be not inconsistent with the constitution or statutes of the State.

By whom instituted.

SEC. 2. Suits may be commenced upon complaint of any person competent, and authorized by the statutes or the practice of this State, to make complaint, and may also be instituted by the village attorney, the president, or any trustee of said village.

SEC. 3. This act shall take immediate effect.

Approved April 23, 1875.

[No. 353.]

AN ACT to amend section one hundred and ten of an act entitled "An act to revise the charter of the city of Adrian," approved March twenty-one, eighteen hundred and sixty-five, as amended by act number two hundred and eighty-five of the session laws of eighteen hundred and sixty-nine, and also to amend section one hundred and twenty of an act, entitled, "An act to revise the charter of the city of Adrian," approved March twenty, eighteen hundred and sixty-five, as amended by act number four hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and ten of an act entitled "An act to revise the charter of the city of Adrian," approved March twenty-one, eighteen hundred and sixty-five, as amended by act number two hundred and eighty-five of the session laws of eighteen hundred and sixty-nine, and that section one hundred and twenty of an act, entitled "An act to revise the charter of the city of Adrian," approved March twenty, eighteen hundred and sixty-five, as amended by act number four hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows:

Sinking fund for payment of bonds.

SEC. 110. Whenever by the provisions of this act the common council shall, or have heretofore issued city bonds for the payment of any sum or sums of money, the said common council shall have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof. Said fund shall be raised by a direct tax, in addition to the other taxes hereinbefore provided for, which shall not exceed, in any one year, three mills on the dollar on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as the ordinary city taxes are levied and collected, but shall be put in a separate column in the tax roll, and when so collected the same shall be applied to the credit of such

To be raised by tax.

sinking fund, for the purpose of paying off the principal and the interest of the debt so created, as the same becomes due, and for no other purpose, and the fund so raised shall be securely invested,—if the common council shall by resolution so direct,—in stocks of the United States or of this State; and said sinking fund shall not be used or borrowed for any other purpose than that for which it was raised. The supervisor of each ward shall complete the tax roll of such ward, and deliver the same to the city collector for collection, with the respective taxes for State, county, school, city, and highway purposes, levied and specified therein, as is required by this act and the laws of this State, within the time required by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State, and shall annex to such roll his warrant to the city collector for the collection thereof, stating therein the sum to be raised for city and highway purposes, and the several amounts to be paid into the city and county treasuries respectively, and commanding the city collector to collect from the several persons named in said roll the several sums mentioned in the last column thereof, opposite their respective names, together with a percentage of six per centum upon the amount of every tax remaining unpaid upon the first day of January then next, for the charges for the collection of the same, and to pay over and account for all moneys so collected and specified in said roll, as directed in said warrant, on or before the first day of February then next, and the said warrant shall authorize the said collector, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of every such person.

Investment of fund.

How used.

Duty of supervisors.

SEC. 120. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close, or vacate and improve, such streets, highways, alleys, lanes, water-courses, squares, market places, and public parks in said city as it shall deem necessary for the public convenience; and if in the doing thereof the property or lands of any person shall be required for such purpose the common council shall so declare by resolution, stating therein a description of the lands or premises required, and the purpose for which the same are to be used, and that the common council will meet on some day to be named in the resolution to take action in regard to the matter; and notice of such meeting, and that such lands or premises are required for the purpose aforesaid, shall be given to the owner or parties interested, or his or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said city, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such land or premises, or if, for any other cause, there shall not be an agreement or

Council may open streets, etc.

Acquiring lands for.

Notice to owners.

Acquisition by purchase.

Jury, when agreement cannot be made.	bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the city recorder to issue a precept under his hand and the seal of said city, in the nature of a <i>venire facias</i> , directed to the marshal or any constable of said city, commanding him to summon a jury of twelve disinterested freeholders of the county of Lenawee to appear before any justice of the peace of said city, at a time therein to be stated, to inquire into the necessity for using such property, and assess the damages and recompense due to the owners of or parties interested in such grounds or premises; which
Jury to be sworn.	jury, being duly sworn by said justice, faithfully and impartially to inquire into the necessity for using such property, and assess the damages in question, and having viewed the premises, if necessary, shall determine the necessity for using such property, and shall
To assess damages.	inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of or parties interested in such grounds or premises, for their respective damages or losses, according to their several interests or estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same, and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said city, and if not residing therein, to be paid into the city treasury for the use of such party, person, or claimant, before such street, lane, alley, square, water-course, market place, or public park shall be made, opened, established, or altered; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the use and purposes aforesaid: <i>Provided</i> , The party claiming damages may have the right to remove such proceedings by appeal to the circuit court for the county of Lenawee, upon giving notice of his or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from the city at the time of the rendition of the judgment, within thirty days after the assessment or verdict of such jury, and the judgment of such justice therein as aforesaid, such appellant first giving bond, with two sufficient sureties to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding, from any court whatever, shall prevent the immediate making, laying out, opening, establishing, altering, straightening, or widening, such street, lane, alley, square, water-course, market place, or public park as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment or confirmation, the same proceeding shall be had in the circuit court as is prescribed by law in cases of appeals from justices' courts: <i>Provided further</i> , That if the damages awarded on such appeal shall not exceed the damages assessed by said jury,
Justice to enter judgment.	
Damages to be paid or tendered.	
Council may direct opening.	
Proviso—right of appeal.	
Effect of appeal, etc.	
Proviso as to costs.	

and confirmed by the judgment of such justice, the party appealing shall pay all costs occasioned by such appeal.

SEC. 2. This act shall take immediate effect.

Approved April 23, 1875.

[No. 354.]

AN ACT to amend sections eleven, twelve, thirteen, eighteen, nineteen, twenty, twenty-one, thirty-four, and thirty-six of act number two hundred and eleven, entitled "An act to incorporate the village of Lowell," approved March fifteen, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact*, That sections eleven, twelve, thirteen, eighteen, nineteen, twenty, twenty-one, thirty-four, and thirty-six of act number two hundred and eleven, entitled "An act to incorporate the village of Lowell," approved March fifteenth, eighteen hundred and sixty-one, be and the same are hereby amended so as to read as follows, to wit:

SEC. 11. The recorder shall attend all meetings of the common council, as clerk, and shall keep an accurate record of all their proceedings, and shall also, within five days after the closing of the polls of any election, notify the officers respectively of their several elections, and as soon as may be, notify all officers of their appointment by the common council. The recorder shall, in addition to the other duties imposed upon him, keep the corporation seal, and all papers filed in or pertaining to his office, shall make and preserve a record of all ordinances and by-laws passed by said common council, and the grades of all streets and highways, as the same may be established by said common council, in proper books to be provided therefor, and when requested shall duly certify under the corporate seal, copies of all records of said common council, and all papers filed in his office.

SEC. 12. In case of the absence or disability of the recorder, the common council may appoint some other person to act as their clerk during such absence, or until such disability shall be removed. The recorder may also nominate any citizen of said village, to be approved by said council, to act as his deputy, and upon such approval such deputy shall have authority to do any act which may be done by the recorder; and the recorder shall be responsible for the acts of such deputy. In case of a vacancy in the office of recorder, the common council may fill the same by appointment until the time of the next annual or special election, and the person so appointed shall have the same powers and be subject to the same requirements as though elected at the annual election. The clerk and deputy recorder so appointed shall severally take and file the constitutional oath of office before entering upon the discharge of their respective duties.

SEC. 13. The common council shall have power to make all by-laws and ordinances for said village, and to make and regulate the powers of the marshal, treasurer, and assessor; and they shall have

Sections amended.

Duties of recorder.

Elections.

Corporate seal.

Records and papers.

Temporary clerk of council.

Deputy recorder.

Council may fill vacancy in office of recorder.

Oath of office.

Council may make by-laws.

Street work.	power to regulate the time and manner of working upon the highways, streets, lanes, alleys, and public squares; to regulate the time
Highway taxes.	and manner of assessing, levying, and collecting all highway and
Nuisances.	other taxes in said village. To clear the banks of Flat river of all logs, brush, and filth within the limits of said village, and to prohibit, prevent, or abate all nuisances in said village, and to punish the person occasioning the same, and to declare what shall be considered a nuisance, and to direct the immediate abatement or removal by the marshal of said village, and to compel the owner of any unwholesome or obnoxious house or place to cleanse the same, whenever they shall deem it necessary for the comfort, health, or convenience of the inhabitants of said village.
Council may appoint officers, etc.	SEC. 18. The common council shall have power to appoint all other officers necessary under the provisions of this act for said village whose elections are not herein provided for; to make
By-laws and ordinances.	by-laws and ordinances relative to the duties, powers, and compensation of the marshal, treasurer, assessor, and other officers not herein otherwise provided for; to construct, repair, and preserve
Drains and sewers.	all drains, sewers, and bridges within the limits of said village; to regulate the weighing of hay, and the measuring of fire wood
Hay and wood.	brought into said village for sale; also, relative to drays, carts, hacks, or other vehicles used for the transportation of persons or
Drays and carriages.	property in said village, and to prescribe the amount of charges for their services; also, relative to all meetings of the electors of
Public meetings.	said village; relative to licensing of auctioneers, hawkers and
Auctioneers, peddlers, and showmen.	hucksters, showmen, and all exhibitions when any compensation is demanded or received for admission, and to fix the amount of
Public houses, etc.	said license; relative to licensing inn-keepers, saloons, restaurants,
Handling of moneys.	and common victualers; to provide for the collection and disposition of all license moneys, fines, and penalties which may be exacted or incurred under the by-laws and ordinances of said
Awning posts and shade trees.	village; to regulate the setting of awning and other posts and shade trees in the streets and other public places of said village;
Grading, paving, etc.	to provide for the grading, paving, or planking of all streets and highways in said village; also to cause sidewalks to be constructed and repaired when and where they shall deem necessary in said
Lines of building.	village; to cause the expenses of grading, paving, or planking or repairing of said streets, highways, or sidewalks to be assessed on the lots or premises adjoining said streets or sidewalks, and may pass all needful by-laws and ordinances in relation to the assessment and collection of the expenses thereof; they may also establish lines upon which buildings may be erected, and beyond which
Council may make laws and impose penalties.	no building shall extend; and to make such other by-laws and ordinances as they may deem necessary for the safety, good order, and government of said village, not inconsistent with the laws and constitution of this State, and to impose fines, penalties, and forfeitures on all persons offending against the by-laws and ordinances
Proviso.	made as aforesaid: <i>Provided</i> , That no by-law or ordinance shall impose a fine exceeding one hundred dollars, or imprisonment not exceeding three months in the county jail, and that no by-law
By-laws to be published.	shall be of any effect until the same shall have been published two

weeks in some newspaper printed in said village, or notices thereof posted in three public places in said village for the same period of time.

SEC. 19. The common council shall have jurisdiction and authority over all highways, streets, lanes, alleys, squares, market places, or public parks in said village, and shall have the power and authority to lay out and establish, open, make, and repair all highways, streets, lanes, alleys, squares, market-places, or public parks in said village, and the same to alter, and to alter those already laid out; and if, in doing the same, they shall require for such purpose the grounds of any person or persons, they shall give notice thereof to the owners or parties interested, or his, her, or their agent or representative, by personal service, in writing, at least two weeks next preceding the meeting of the common council at which action is to be had in regard to the same; and the said common council are hereby authorized to treat with such person or persons for such grounds or premises. If any such person or persons neglect or refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for the said common council to apply to any justice of the peace of the township of Lowell to issue a precept, under his hand and seal, in the nature of a *venire facias*, to command the marshal to summon a jury of twelve disinterested freeholders of Kent county to appear before said justice of the peace at any time therein stated, to enquire into and assess the damages and recompense due to the owner or owners of, or parties interested in, such grounds or premises, which jury shall first be duly sworn by said justice of the peace faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises, when necessary, shall assess such damages and recompense as they shall deem fit to be awarded to the owner or owners or parties interested in such grounds or premises for their respective losses, according to their several interests and estate therein; and the said justice of the peace shall, upon return of such assessment, enter judgment thereon confirming the same, and all such sum or sums so assessed shall be, together with the costs, paid or legally tendered before such highway, street, lane, alley, square, market-place, or public park shall be made, opened, established, or altered, to the claimants thereof, if a resident of said village, if not, to be paid into the treasury of said village for the use of said claimant or claimants; and in either case it shall be lawful for the common council to cause the ground or premises to be converted to and used for the purpose aforesaid: *Provided*, That any person or persons so claiming damages feeling himself aggrieved shall have the right to an appeal to the circuit court upon giving notice in writing to the justice of the peace, within ten days, of their intention so to do, or in case of the absence of such party or parties from said village, within thirty days after the assessment aforesaid and the rendition of the judgment of said justice of the peace thereon, first giving a bond, with two sufficient sureties, to be approved by the justice of the peace, conditioned to pay all costs which may be awarded against him or

Power of council over highways, etc.

To give notice to owners.

May negotiate for lands.

Jury to assess damages when parties cannot agree.

Jury to be sworn.

Justice to enter judgment confirming award of jury.

Compensation to be paid or tendered.

Proviso—right of appeal.

Effect of appeal, etc.	them in said circuit court; but no appeal shall prevent the immediate making, laying out, opening, or establishing or altering such highway, street, lane or alley, square, market-place, or public park, as aforesaid; and upon filing a transcript of the proceedings aforesaid, within forty days after judgment confirming such assessment in the circuit court, duly certified by the justice of the peace aforesaid, the same proceedings shall be had as are prescribed by law in cases of appeal from justices of the peace: <i>Provided</i> , That if the final judgment of said circuit court shall not exceed the damages assessed by said jury, and confirmed by the judgment of said justice of the peace, the party appealing shall pay all costs occasioned by such appeal.
Proviso as to costs.	
Council may levy taxes.	SEC. 20. The common council shall have power and authority to levy and collect taxes on all real and personal estate or property within the limits of said village, by them deemed necessary to defray the expenses thereof, which shall not exceed one-fourth of one per cent on the valuation thereof for the general fund, one-fourth of one per cent in addition thereto for the fire department: <i>Provided</i> , That if necessary, they may raise a special tax for the purchase of a fire engine, and hose sufficient therefor; and one per cent in addition thereto as a highway tax, and shall have power and authority to make all necessary by-laws and ordinances for the collection of the same; and every assessment of tax lawfully imposed by the said common council on any lands, tenements, or hereditaments, from the time of imposing such tax, shall be and remain liable for such tax or assessment until the same be paid, and the owner, or occupant or occupants, owner or parties interested, respectively, in said real estate, shall be liable, on demand, to pay every such tax to be levied as aforesaid. The said highway tax shall constitute a street fund, and the same shall be expended by one or more street commissioners who may be appointed by the common council for said purpose.
General and fire department funds.	
Proviso—special tax for fire engine.	
Highway tax.	
Tax to be lien.	
Street fund.	
By whom expended.	
Poll tax.	SEC. 21. The common council shall have power to assess and collect from every male inhabitant of said village of the age of twenty-one years, except paupers, idiots, lunatics, and those exempt by the provisions of this act and the statutes of the State of Michigan; a list of whom shall be made by the assessor at the time of making his annual assessment, an annual capitation or poll tax not exceeding one dollar, and they may provide by-laws for the collection of the same; the money received by such poll tax shall be paid into the treasury to the credit of the street fund.
Prosecutions for violation of by-laws.	SEC. 34. In all prosecutions for a violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made on oath and in writing before said justice of the peace, setting forth the offense complained of, such justice of the peace shall issue a warrant, in the name of the people of the State of Michigan, for the apprehension of the person charged with said offense, directed to the marshal of the village of Lowell, or the sheriff or any constable of the county of Kent, and such process may be executed by any of said officers anywhere within the State of Michigan, and shall be returnable the same as other similar
Warrant.	
Where may be executed.	

process issued by justices of the peace. Upon bringing the person so charged before said justice of the peace, he shall plead to said complaint; and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter a plea of not guilty for the person so charged; that upon the said complaint and plea a trial shall be had; and upon conviction of said offender, and imposition of a fine, it shall be the duty of the justice to issue an execution directed to the marshal of said village, or any constable of the county of Kent, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of said county of Kent, and the sheriff of said county shall safely keep the body of the person so committed until he be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law; and in case where both fine and imprisonment are imposed upon the person so convicted, by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect, and it shall be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council, and all persons committed by any justice of the peace for the violation thereof, shall be in the custody of the sheriff of said county, who shall safely keep the person so committed until lawfully discharged as in other cases: *Provided*, That the common council may remit any such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Arraignment,
plea and trial.

Execution.

When body may
be taken.

Commitment.

Use of county
jail.Proviso—council
may remit pen-
alty.

SEC. 36. All fines recovered for any violation of the by-laws or ordinances of said common council, shall be paid to the treasurer of said village, by the officer receiving the same, immediately after the receipt thereof; and any person who shall refuse or neglect to pay the same, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not more than one hundred dollars, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment, in the discretion of the court.

Moneys to be
paid to treasurer.Penalty for non-
payment.

SEC. 2. All acts, or parts of acts, not included in the charter of the village of Lowell as amended, in any manner contravening the same, are hereby repealed.

Acts repealed.

SEC. 3. This act shall take immediate effect.

Approved April 23, 1875.

[No. 355]

AN ACT to amend an act to re-incorporate the village of St. Louis, approved March twenty-eight, eighteen hundred and seventy-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of article thirteen, and section four of article sixteen of an act entitled "An act to re-incorporate the village of Saint Louis," be amended so as to read as follows:

Time of making
annual assess-
ment roll.

SEC. 1. The assessor of said village shall, once in each year, and on or before the second Monday in April, make an assessment roll containing a description of all the real estate, and the valuation of all the personal property liable to taxation in said village, and the name of the owner, or occupant, or agent thereof, if known, and the names of persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its actual cash value, placing the value of real and personal property in separate columns.

ARTICLE XVI.

Meeting of board
of registration.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who, at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village (and, after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing): *Provided*, The clerk of said village shall cause public notice to be given of the time and place of meeting of said board of registration, by at least one insertion of said notice in a newspaper, if there is one published in said village, and by posting said notice in at least three public places in said village, ten days before the meeting of the said board of registration.

Proviso—notice
of meeting.

SEC. 2. This act shall take immediate effect.

Approved April 23, 1875.

[No. 356.]

AN ACT to amend sections one and two of act number two hundred and two of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the charter of the village of Whitehall."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of act two hundred and two of the session laws of eighteen hundred and seventy-three, entitled "An act to

revise the charter of the village of Whitehall," approved April twenty-two, eighteen hundred and seventy-three, be amended so as to read as follows:

SEC. 1. All that tract of country situate in the township of Whitehall, in the county of Muskegon, and State of Michigan, which is known and described as follows, to wit: All of fractional sections twenty-eight and thirty-three, and the west half of sections twenty-seven and thirty-four, and the southwest fractional quarter of section twenty-two, all in town twelve north, of range seventeen west, shall continue to be a village corporate under the name of the village of Whitehall. Boundaries.

SEC. 2. The elective officers of said village shall consist of a president, recorder, treasurer, and five trustees, to be elected by plurality of votes, by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this State, and been actual residents of said village for ten days immediately preceding such election, and who shall hold their office for the term of one year, and until their successors are elected and qualified; and said officers, when so elected and qualified, shall constitute the common council of said village. Said common council are hereby authorized and empowered to appoint such other officers, not herein provided for, as may be necessary under the provisions of this act. The election of the officers hereinbefore mentioned shall be held at such place as the common council—elected or appointed for the year ending the first Monday in May, in the year one thousand eight hundred and seventy-five—may designate, on the first Monday in May, one thousand eight hundred and seventy-five, and on the first Monday in May annually thereafter, and at such place as the common council may appoint for that purpose: *Provided, however,* That the neglect to hold such election at the time hereinbefore mentioned shall not be deemed to work a dissolution of said corporation, but in such case it shall be lawful to hold such election at any time within thirty days thereafter, pursuant to public notice which may be given by five qualified electors of said village who have resided therein for ten days immediately preceding, by posting the same, designating the time and place thereof, in three of the most public places in said village, at least ten days before the said election shall be held. Elective officers and terms of office.
Common council
To appoint certain officers.
Time of holding annual election.
Proviso—failure to hold not to dissolve corporation.

SEC. 2. This act shall take immediate effect.

Approved April 23, 1875.

[No. 357.]

AN ACT to amend sections three, nine, ten, fourteen, and sixteen of an act entitled "An act relative to free schools in the city of Grand Rapids," approved March fifteenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That sections three, nine, ten, fourteen, and sixteen of an act entitled "An act relative to free schools in the city of Grand Rapids," approved March fifteen, eighteen hundred and seventy-one, are hereby amended so as to read as follows: Sections amended.

Compensation.

SEC. 3. No school trustee (unless he shall be elected secretary of the board), shall receive any compensation for his services.

Board of education, powers and duties of relative to school house sites, buildings, etc.

SEC. 9. The board of education of the city of Grand Rapids shall have power and authority to designate and purchase school-house sites, erect buildings, and furnish the same, employ superintendents, teachers, and janitors, provide books for the district library, apparatus, and scientific collections for illustration, establish, locate, and maintain a high school, grammar, and primary schools, establish and maintain a district library, and generally do all things needful and desirable for the maintenance, prosperity, and success of the schools of said city, and the promotion of the thorough education of the children thereof; and it shall be the duty of said board to apply for and receive from the county treasurer, or other officer holding the same, all moneys appropriated for primary schools and the district library of said city, to adopt by-laws and rules for their own procedure, and to make all needful rules and regulations for the control and management of the schools of said city; and said board shall, annually, on the second Monday in September, make an estimate of the amount of taxes deemed necessary for the ensuing year, for all purposes of expenditure within the powers of said board, which estimate shall specify the amounts required for the different objects of expenditure, and publish the same one week in at least one of the daily papers of said city. On

To make annual estimate of amount of taxes for year.

Meeting of electors to ratify estimates.

the fourth Monday of September in each year, at seven and one-half o'clock, P. M., at some central point in said city, to be provided by the board of trustees, there shall be held a meeting of the electors of said city, qualified to vote at school meetings, to whom shall be submitted the estimates above mentioned for ratification, amendment, or rejection; and it shall not be lawful to levy any tax for school purposes that has not been approved by a majority of those present and voting at said meeting. One week's notice of the time and place of holding said meeting shall be given in two of the daily papers of said city; and on or before the first Monday in October, in each year, the secretary of said board shall make a

Notice of meeting.

Secretary of board to report amount approved to county clerk.

written report of the amount of taxes so deemed necessary, and approved by said meeting, to the clerk of the county of Kent, and said county clerk shall apportion the said amount among the several wards of said city, according to the equalized valuation of the property of said wards, appearing upon the assessment rolls for such year, and shall also notify the supervisors of said several wards of the amount so apportioned to their respective wards, and the same shall be levied, collected, and returned in the same manner as other city taxes: *Provided*, That for purchasing school lots, for erecting school houses, and for the payment of school bonds, issued for such purposes, no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said city shall be levied in any one year: *Provided also*, That if, for any reason, said meeting of the electors of said city shall fail to be held, in any year, as herein provided, then the estimates of the said board of education, of taxes deemed necessary for the ensuing year, duly made as aforesaid, shall be reported by their secretary to the county clerk of the county of Kent, and the same

Clerk to apportion among the wards.

Collection.

Proviso—limit of amount for purchasing lots, erecting buildings, etc.

Proviso—of failure to hold meeting of electors.

shall be apportioned, levied, collected, and returned in the manner hereinbefore specified.

SEC. 10. The said board from their own number shall annually elect a president; they shall also elect a secretary, treasurer, and superintendent of schools; and said treasurer shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of said board, and shall also be required to give bonds, in such sum as the board shall determine, for the faithful performance of his duties.

Election of president, secretary and treasurer of board.
Duty of treasurer.

SEC. 14. The superior court of Grand Rapids shall have jurisdiction of all suits wherein the said board shall be a party.

Superior court to have jurisdiction of suits, where board shall be a party.
Board may borrow money, etc.

SEC. 16. The said board of education may, from time to time, on such terms of payment as they may deem proper, borrow moneys for temporary school purposes, not exceeding in all fifteen thousand dollars in any one year, and may issue the bonds of said board therefor, which amount shall be paid from the first taxes levied thereafter.

SEC. 2. This act shall take immediate effect.

Approved April 24, 1875.

[No. 358.]

AN ACT to revise and amend the charter of the city of Jackson.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled "An act to incorporate the city of Jackson," approved February fourteenth, eighteen hundred and fifty-seven, as amended by the several acts amendatory thereof, be revised and amended so as to read as follows:

Act amended.

CHAPTER I.

INCORPORATION.—CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact, That* so much of the county of Jackson as is embraced in the east half of section thirty-three, sections thirty-four and thirty-five, the west half of section thirty-six, the southwest quarter of section twenty-five, the south half of sections twenty-six and twenty-seven, and the southeast quarter of section twenty-eight, all in township two south, of range one west, and in the west half of section one, sections two and three, the east half of section four, the northeast quarter of section nine, the north half of sections ten and eleven, and the northwest quarter of section twelve, all in township three south, of range one west, be and the same is hereby declared to be a city by the name of the "City of Jackson," by which name it shall be hereafter known.

Boundaries.

SEC. 2. The freemen of said city, from time to time being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the mayor, recorder, and aldermen of the city of Jackson, and shall be and are hereby made capable of suing and being sued, of pleading and

Body corporate and politic.

Powers.

being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be, and are hereby made capable of purchasing, holding, conveying, and disposing of any real or personal estate for said city.

Wards.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

Seventh ward.

Eighth ward.

Proviso.

SEC. 3. The said city shall be divided into eight wards, as follows, to wit: The first ward shall embrace all that portion of the city lying west of Grand river on the north side of Ganson street and west of Mechanic street, on the south side of Ganson street, north of Main street and east of Blackstone street, and to Lansing avenue, and east of Lansing avenue to the north limits of the city; the second ward shall embrace all that portion of the city lying north of Main street and the continuous line thereof, and west of Blackstone street to Lansing avenue, and west of Lansing avenue to the north limits of the city; the third ward shall embrace all that portion of the city south of Main street and the continuous line thereof, and west of First street and the continuous line thereof; the fourth ward shall embrace all that portion of the city lying between First and Mechanic streets and the continuous lines thereof, and south of Main street; the fifth ward shall embrace all that portion of the city east of Mechanic street and the continuous line thereof, south of Main street, between Mechanic and Francis streets, south of Liberty street, between Francis street (at its point of intersection with Main street) and the Grand river, and west of Grand river south of Liberty street; the sixth ward shall embrace all that portion of the city south of Main street, east of Francis street, north of Liberty street, and east of the Grand river south of Liberty street; the seventh ward shall embrace all that portion of the city east of Mechanic street, south of Ganson street, and north of Main street; and the eighth ward shall embrace all that portion of the city east of Grand river and north of Ganson street: *Provided*, That whenever a street or river is mentioned in this act as a boundary or division line, the center of said street or continuation thereof, or river, shall be deemed to be the said line.

CHAPTER II.

ELECTORS AND REGISTRATION.

Who deemed to be electors.

Where entitled to vote.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein; and every such elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election.

REGISTRATION.

Board of registration.

Re-registration.

SEC. 2. The aldermen of said city shall constitute the board of registration therefor.

SEC. 3. The board of registration, at their session previous to the general election in November, in the year one thousand eight hundred and seventy-six, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided

by law. The same rules shall be observed in such registration as are provided by law for registration in cities; and a like registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year eighteen hundred and eighty, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Rules to be observed.

Registration in 1880.

Old registry not used.

Notice.

CHAPTER III.

ELECTION AND APPOINTMENT OF OFFICERS.

SECTION 1. The following officers shall be elected from among the electors of said city, viz.: A mayor, recorder (who shall be *ex officio* school inspector), treasurer, two school inspectors, and four justices of the peace.

Elective officers.

SEC. 2. In each ward a supervisor and two aldermen shall be elected: *Provided*, That until and after it shall be ascertained by the taking of an official census that the inhabitants of said city number sixteen thousand or more, but four supervisors shall be elected for said city, to wit: One supervisor for the first and second wards; one supervisor for the third and fourth wards; one supervisor for the fifth and sixth wards, and one supervisor for the seventh and eighth wards, who may be residents of either ward for which they may be elected, and who shall make separate assessments, and extend State, county, and school taxes separately for each ward. The votes given for supervisors elected in accordance with this provision shall be returned and canvassed in the manner provided for the election of city officers, and the supervisors so elected shall possess the same powers in all respects for each ward as though elected by a single ward, except that they shall not act as inspectors of election in wards in which they do not reside, and that they shall each have but one vote upon the board of supervisors of the county of Jackson.

Ward officers.

Proviso—election of additional supervisors.

Canvass and return of votes.

Powers of

SEC. 3. The following officers may be appointed by the common council, viz.: a city attorney, chief of police, engineer of fire department, weigh-master, and overseer of poor. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Appointed officers.

SEC. 4. Appointments to office by the council, except appointments to fill vacancies, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting

Time of making appointments.

of the council. All appointments to office shall be made only upon the nomination of the mayor.

Terms of office
of certain
officers.

SEC. 5. The mayor, recorder, treasurer, and supervisors shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Election of jus-
tices of the peace
and terms of
office.

SEC. 6. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

Of school
inspectors.

SEC. 7. One school inspector shall be elected annually for the term of two years from the first Monday of April of the year when elected, and until his successor is qualified and enters upon the duties of his office.

Of aldermen.

SEC. 8. One alderman shall be elected annually in each ward for the term of two years from the first Monday in April, in the year when elected, and until his successor shall be qualified and enters upon the duties of his office.

Terms of office
of appointed
officers.

SEC. 9. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office, and any officer appointed or elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred.

When officers to
enter upon their
duties.

SEC. 10. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security (if any) required for the performance of the duties of the office.

Officers in office
to hold residue
of term.

SEC. 11. All officers elected before this act shall take effect shall hold office during the term for which they were respectively elected, and the aldermen holding office at the time this act shall take effect, with the mayor and recorder, shall compose the common council until and including the Monday next succeeding the next annual city election.

QUALIFICATIONS, OATH, AND BOND OF OFFICE.

Who may hold
office.

SEC. 12. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Oath of office of
justices of the
peace.

SEC. 13. Justices of the peace elected in said city shall take and file an oath of office with the county clerk of the county of Jackson, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers

electd or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the recorder.

Of all other officers.

SEC. 14. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk of said county the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by, the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond or security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the mayor such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office.

Bond of Justice of the peace.

Penalty for entering upon official duty previous to filing oath and bond.

Oath and bond of officers.

SEC. 15. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

Examination as to sufficiency of sureties.

To be reduced to writing and filed with bond.

SEC. 16. The council may also at any time require any officer, whether elected or appointed, to execute and file with the mayor new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

Power of council to require new bond.

VACANCIES IN OFFICE.

SEC. 17. Resignations of officers shall be made to the council. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Resignations. Office vacated by change of residence and by default.

SEC. 18. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

On failure to file oath and bond, council may declare office vacant.

Filling of vacancies.

SEC. 19. A vacancy in the office of mayor or of any alderman occurring more than ninety days before an annual city election shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of justice of the peace, shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment by the council, within twenty days after the vacancy occurs, or if the vacancy be in an elective office it may be filled by an election or an appointment, in the discretion of the council.

Liability of officers and sureties.

SEC. 20. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Delivery of books, moneys, etc., to successor.

SEC. 21. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Violation a misdemeanor.**CHAPTER IV.****ELECTIONS.****Annual election.**

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate.

Special elections.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice of special elections.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the recorder, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Time and manner of giving election notices.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the recorder, at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper

published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

SEC. 5. The council shall provide and cause to be kept by the recorder, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships. Ballot boxes.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at eight o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls. Opening and closing of polls.

SEC. 7. The supervisor and two aldermen of each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, *viva voce*, such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election. Inspectors of election.

SEC. 8. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or, when necessary, the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election, shall take the constitutional oath of office, which oath either of the inspectors may administer. Chairman and clerks of board.

SEC. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county, and district elections in their respective wards. Oath of office.

SEC. 10. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State. Duties of inspectors.

SEC. 11. The electors shall vote by ballot, and the same ballot shall contain the names of persons designated as officers for the city and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon, shall be separate, and be deposited in a separate box. Manner of conducting elections.

Ballots for
vacancies.

SEC. 12. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill shall be designated on the ballot.

Polling of bal-
lots.

SEC. 13. It shall be the duty of the inspectors, on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written, the name of each elector voting at such elections, in two poll-lists, to be kept by said inspectors of elections, or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.

Poll lists.

Canvass by
inspectors.
Statement of re-
sults and certifi-
cate.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day, or on the next day, make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots, in the office of the recorder.

To be deposited
with recorder.

Canvass the
same as in gen-
eral elections.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections.

Determination of
result of election
by council.

SEC. 16. The council shall convene on Thursday next succeeding each charter election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the recorder, by order of the common council, shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, and the other shall be filed in the office of the recorder.

Certificate.

Tie to be deter-
mined by lot.

SEC. 17. The person receiving the greatest number of votes for any office in the city or ward shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in

the preceding section, determine by lot between such persons which shall be considered elected to such office.

SEC. 18. It shall be the duty of the recorder, within two days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within two days after the council shall appoint any person to any office, in like manner notify such person of such appointment.

Notice to persons elected and appointed.

SEC. 19. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report, in writing, to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

Recorder to report neglect of officers to file oath and bond.

CHAPTER V.

DUTIES AND COMPENSATION OF OFFICERS.—THE MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city, and the ordinances and regulations of the council are enforced.

Duties of mayor.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Conservator of the peace.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty or other cause. He shall report such suspension to the council, at its next meeting, with the reasons therefor, and the council may by resolution remove such officer or restore him to the performance of his duties. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employe, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. He shall nominate all officers to be appointed by the common council under the provisions of this act.

Power of removal or suspension.
To report suspensions to council.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president of the council shall perform the duties of mayor.

Mayor pro tempore.

ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof and act upon committees when thereunto appointed. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No

Duties of aldermen, etc.

alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

RECORDER.

Duties of recorder.

SEC. 6. The recorder shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations; he shall be clerk of the board of public works, and board of cemetery trustees.

Recorder to be general accountant of the city.

SEC. 7. The recorder shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment; after examination thereof he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasury for the payment thereof, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be valid until countersigned by the mayor, nor be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Further duties of recorder.

SEC. 8. The recorder shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the recorder shall immediately advise the council thereof.

SEC. 9. The recorder shall report to the council on the first Monday in each month a statement showing the condition of all of the funds of the city, and whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. Monthly financial report, etc.

TREASURER.

SEC. 10. The treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city, and with the approval of the council may appoint a deputy collector; he shall perform all such duties in relation to the collection of taxes as the council may prescribe. He shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the recorder and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall cancel such warrants, when paid, by legibly writing across the face thereof the word "paid," and enter in a book, to be kept by him, the number, date, amount, and time of payment of each warrant. He shall keep an account of and be charged with, all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the recorder. Duties of treasurer.

SEC. 11. The treasurer shall render to the council on the first Monday of every month, and oftener if required, a report of the amounts received, and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report, and at the time of rendering such report, shall exhibit to the recorder vouchers for all moneys so paid out during such preceding month. He shall also exhibit to the council annually on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the recorder and shall be published in one of the newspapers of the city. Monthly report. Annual report. Publication of same.

SEC. 12. The treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys; Not to use public money for private use.

and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, in his custody or keeping, for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

CHIEF OF POLICE.

Duties of chief
of police.

SEC. 13. The chief of police shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs, for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violation of the ordinances of the city; such process may be served any where within the county of Jackson, and if the act complained of is a misdemeanor such process may be served anywhere within the State.

Idem.

SEC. 14. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, or other public place until they shall become sober.

Monthly report
of arrests, etc.

SEC. 15. He shall report in writing and on oath to the council, at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by him shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the recorder.

Monthly pay-
ment of moneys
received.

CITY ATTORNEY.

Adviser and
solicitor for
council and city.

SEC. 16. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested; he shall prosecute for offenses against the ordinances of the city, and shall attend the meetings of the common council and board of public works when required.

CITY ENGINEER.

SEC. 17. The city engineer shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications, required by the council or board of public works relating to the public improvements, buildings, grounds, streets, and alleys of the city, and the like effect and validity shall be given to his official acts, surveys, and plats as are given by law to the acts and surveys of county surveyors. Powers and duties of.

STREET COMMISSIONER.

SEC. 18. The street commissioner shall perform or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city, as the board of public works shall direct; and to oversee and do whatever may be required of him in relation thereto by said board. Powers and duties of.

SEC. 19. He shall make a report to the board of public works in writing and on oath once in each month, and oftener if required, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid. Monthly report.

SUPERVISORS.

SEC. 20. The supervisors for each ward are hereby authorized and required to perform the same duties in their respective wards that the supervisors of townships, under the general laws of this State, are required to perform in relation to the assessing of property and levying taxes for State, county, and school purposes, and they shall also issue their warrant to the treasurer of said city for the collection of such taxes in the same manner as the supervisors of townships issue warrants to the treasurers of townships for the collection thereof; they shall also represent their several wards in the board of supervisors of the county of Jackson, and shall be entitled to all the rights, privileges, and powers as the members of said board of supervisors. They shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers. Powers and duties of.
Jury lists.

SCHOOL INSPECTORS.

SEC. 21. The school inspectors of the city shall perform such duties in and for the city and for the public schools as are required of school inspectors elected in townships, so far as such duties are applicable or shall be required under this act. Duties of.

JUSTICES OF THE PEACE.

SEC. 22. The justices of the peace elected in said city under the provisions of this act shall have, and exercise therein and within Jurisdiction, powers, and duties of.

Proviso. the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts whenever the plaintiffs or defendants, or one of the plaintiffs or defendants, reside in either the said city or the townships of Summit, Blackman, Leoni, Spring Arbor, or Sandstone in said county; they shall have exclusive jurisdiction, except in cases where jurisdiction is given by this act to some other court, to hear, try, and determine all actions and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures for violations of this act, or any law of this State within the city of Jackson, and for encroachments upon, and injuries to, any of the streets, alleys, and public grounds within the city. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter eight of this act.

General laws applicable to suits before.

SEC. 23. The proceedings in all suits, actions, and prosecutions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace and to the proceedings before such officers.

Justices' docket.

SEC. 24. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

Monthly payment of moneys received by justices.

SEC. 25. All fines, penalties, and forfeitures collected or received by any justice of the peace for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures, and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor and file the same with the recorder.

Monthly report of prosecutions commenced, etc.

SEC. 26. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or

judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

SEC. 27. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county of Jackson. Fines and expenses.

SEC. 28. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in the penal sum of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be indorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city. Bond to the city.

SEC. 29. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and upon conviction thereof by a court of competent jurisdiction, may be suspended from office by the council during its pleasure. Penalty for misconduct or neglect of duty.

SEC. 30. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city. To account for property seized as stolen.

GENERAL PROVISIONS.

SEC. 31. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution. Additional duties, rights, powers, etc., of officers.

COMPENSATION OF OFFICERS.

SEC. 32. The chief of police, recorder, treasurer, city attorney, engineer of the fire department, and director of the poor, weigh-master, and pound-master shall each receive such compensation as the council shall determine by ordinance. The supervisors, for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall receive the same compensation as is by law allowed supervisors of townships, for the time actually employed. School inspectors shall serve without compensation, where there shall be a county superintendent of schools or other board for the inspection of teachers. Justices of the peace and officers serving process and making arrests, may, Compensation of officers.

except as herein otherwise provided, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

No change during term of office.

SEC. 33. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office, except by a three-fourths vote of all the aldermen elect; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased: *Provided*, The mayor and aldermen shall receive no compensation for their services, except when acting as a board of registration or inspectors of elections.

Proviso.

CHAPTER VI.

COMMON COUNCIL.

Council, of whom composed.

SECTION 1. The legislative authority of said city shall be vested in a common council consisting of the two aldermen from each ward, and the recorder.

President.

SEC. 2. On the first Monday in May in each year, the common council shall appoint one of their number president of the common council, who shall preside at the meetings thereof. He shall have a vote upon all questions. In the absence of the president the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president.

President pro tempore.

Clerk of council.

SEC. 3. The recorder shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the recorder the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen to attend meetings, etc.

SEC. 4. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend at the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Council shall hold regular meetings.

SEC. 5. The council shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor, or president of the council, may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Mayor may appoint special meetings.

Quorum.

SEC. 6. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner

as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein be purchased, sold, or disposed of, or private property be taken for public use, unless by ordinance or resolution of the common council, and a concurring vote of two-thirds of all the alderman elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by a vote of the majority of all the aldermen elected to office, except as herein otherwise provided.

Certain acts requiring a two-thirds vote of aldermen elect.

Majority vote appropriations etc.

SEC. 7. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when by the provisions of this act a two-thirds vote is required, and also when called for by any member of the council, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Manner of conducting its business.

Publication of proceedings.

SEC. 8. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.

Power over its own members and other city officers.

SEC. 9. The city attorney, chief of police, city engineer, street commissioner, and engineer of the fire department shall have seats in the council, and shall give opinions and information on all subjects relating to their respective departments, when required, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Certain city officers entitled to seats in council.

SEC. 10. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Control of finances and property.

SEC. 11. Whenever by this act or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Execution of legal powers.

SEC. 12. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the president of the common council.

Standing committees.

SEC. 13. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents,

Records, reports, receipts, etc., where deposited.

Penalty for injuring, defacing, or altering records.

City officers not to be interested in contracts.

Penalty for violation.

Certain officers may be removed from office.

Proviso.

Investigation of charges against officers.

Powers conferred for purposes of investigation.

ments, reports, contracts, receipts, vouchers, and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the recorder, and to be so arranged, filed, and kept, as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 14. No member of the council, or any officers of the corporation, shall be interested, directly or indirectly, in the profits of any contract, job, work, or services (other than official services, to be performed for the corporation). Any member of the council, or officer of said city, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 15. Any person, except a member of the board of public works, appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may remove any member of the board of public works and may expel any alderman or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made, by ordinance, for preferring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto: *Provided*, That the provisions of this section shall not apply to the mayor or justices of the peace.

SEC. 16. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council or any committee thereof.

SEC. 17. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being shall have power to administer the necessary oaths;

and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

SEC. 18. The council shall audit and allow all accounts chargeable against the city; and when required by the common council every account shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented to the council for allowance; or, that the claim was presented without the affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Auditing of accounts and claims against city.

CHAPTER VII.

ORDINANCES AND RESOLUTIONS.

SECTION 1. The style of all ordinances shall be, "Be it ordained by the common council of the city of Jackson." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Style, vote on passage, and time of taking effect.

SEC. 2. When, by the provisions of this act, the council of said city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county of Jackson, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Fines and penalties.

SEC. 3. On the same day, or on the next day after the passage of any ordinance, or the adoption of any resolution, the clerk of the common council shall present the same to the mayor or other person performing the duties of mayor, for his approval. No ordi-

Approval of ordinances, etc., by mayor.

nance or resolution shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the recorder with his objections within six days after its presentation to him, or in case of the absence of the recorder, to the common council, at its next regular meeting; in case of his approval or failure to return as aforesaid, it shall be deemed regularly enacted: *Provided*, That when a resolution embraces several distinct matters or claims, the mayor shall have the right to approve a part and disapprove a part, in the same manner, and with the same effect, as if presented by separate resolutions. If, after the return of the ordinance or resolution with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance or resolution shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

Proviso. SEC. 4. At the time of presenting any ordinance or resolution to the mayor for his approval, the recorder shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance or resolution, and whether approved or with objection, and shall at the next meeting of the council report any ordinance or resolution returned with objections thereto.

Duty of recorder relative to date of presentation of ordinances, etc., for approval. SEC. 5. No ordinance shall be amended unless the whole, or so much as is intended to be amended shall be re-enacted. When any section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Amendment of ordinances. SEC. 6. All ordinances when approved by the mayor, or when regularly enacted, shall be immediately recorded by the recorder, in a book to be called "the record of ordinances," and it shall be the duty of the mayor and recorder to authenticate the same by their official signatures upon such record.

Record of ordinances. SEC. 7. Immediately after the passage of any ordinance, the same shall be published one week in some newspaper printed and circulated within the city, and the recorder shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Publication of ordinances. SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: *First*, From

Proof of ordinances, etc., in courts.

a record thereof kept by the recorder; *Second*, From a copy thereof, or of such record thereof, certified by the recorder under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for violations of the ordinances of said city shall be commenced within two years after the commission of the offense; and shall be brought within the city. Time and place for commencement of prosecutions.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid. Recovery of penalties and forfeitures.

SEC. 3. Such action shall be brought in the name of the mayor, recorder, and aldermen of the city of Jackson, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Idem.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Suits commenced by warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to, the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace. Form of warrant. Proceedings

Rendition of
judgment.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with costs of prosecution.

Execution of
judgment.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine, and imprisonment in default of payment thereof, or where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

City entitled to
use of county
jail.

SEC. 8. Said city shall be allowed the use of the jail of the county of Jackson for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment, may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff, or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process, to
whom directed.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the chief of police or any policeman of the city, and may be executed in any part of the State by said officers.

Setting forth of
ordinances in
complaints,
pleadings, etc.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Statement of
cause of action
in complaint, etc.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Trial by and
forming of jury.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Jackson, by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court of said county shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Appeal to cir-
cuit court.

Bond or securi-
ty and proceed-
ings.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs [imposed] shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the recorder.

Fines, by whom
receivable.

Monthly pay-
ment into city
treasury.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Cases of neglect
to pay over fines.

Penalty for will-
ful neglect or
refusal.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may di-

Disposition of
fines paid into
city treasury.

Jurisdiction of circuit court and proceedings therein.

rect. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

SEC. 16. The circuit court of the county of Jackson shall have jurisdiction to hear, try, and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

Concurrent jurisdiction of justices of the peace.

SEC. 17. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days.

Security for costs in certain cases.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court shall require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

CHAPTER IX.

GENERAL POWERS OF THE COMMON COUNCIL.

Powers and authority, and exercise thereof.

SECTION 1. The common council of said city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

To prevent vice, etc.

First, To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

To punish vagrants, etc.

Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

To abate nuisances.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

To suppress disorderly houses, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate, license, or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball-alleys, and to punish the keepers thereof; To regulate billiard tables, etc.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; To suppress gaming.

Seventh, To regulate, prohibit, and suppress ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the sabbath day, and upon such other days and during such hours of every night as the council shall prescribe; To regulate ale houses, etc.

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing; To prevent sale of liquors, etc.

Ninth, To regulate, license, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted; To regulate shows, etc.

Tenth, To prevent and punish violations of the sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the sabbath day. To punish violations of sabbath, etc.

Eleventh, To license auctioneers, auctions, and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at action, or by any manner of public biddings or offers by the buyers or seller after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; To regulate actions, etc.

Twelfth, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in the streets, highways, or in or upon public grounds or buildings in the city; To license peddlers, etc.

Thirteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses; To license taverns, etc.

Fourteenth, To license and regulate all vehicles, of every kind, used for the transportation of persons or property for hire, in the city; To license hacks, etc.

Fifteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions; Inspection of certain provisions.

- Weighing and measuring.** *Sixteenth*, To regulate the inspection, weighing, and measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise ;
- Sealing of weights and measures.** *Seventeenth*, To provide for the inspection and sealing of weights and measures ;
- Eighteenth*, To enforce the keeping and use of proper weights and measures by venders ;
- Vaults, cisterns, etc.** *Nineteenth*, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters ;
- To prevent obscenity.** *Twentieth*, To prohibit and prevent, in the streets or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene language, exhibitions, and shows of every kind.
- Bathing, etc.** *Twenty-first*, To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city.
- To preserve purity of streams, etc.** *Twenty-second*, To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift wood and noxious matter ; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive ;
- Relative to certain shops and offensive places.** *Twenty-third*, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city ;
- Keeping of gunpowder, etc.** *Twenty-fourth*, To regulate the keeping, selling, and using of gunpowder, fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city ;
- Drains, cellars, privies, etc.** *Twenty-fifth*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies ; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, and to pull down or remove any building, fence, or structure which may be unsafe or liable to fall and injure persons or property, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon ;
- To prevent mock auctions, etc.** *Twenty-sixth*, To prohibit, prevent, and suppress mock auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof ;
- To prevent lotteries.** *Twenty-seventh*, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same ;

Twenty-eighth, To license and regulate solicitors for passengers Relative to hackmen, runners, etc. or for baggage for any hotel, tavern, public house, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Twenty-ninth, To provide for the protection and care of paupers. Paupers. pers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

Thirtieth, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same; Census.

Thirty-first, And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever. General authority to enact ordinances.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. Granting of licenses. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Bond of licensee. Every license shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license; and no new license, for a similar purpose, shall be granted to such person for one year thereafter.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. Terms of licenses, etc. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund. Disposition of moneys received for licenses.

SEC. 5. The council of said city shall have authority to permit any railroad company to lay its track, and operate its road with steam locomotives, in or across the public streets, highways, or Crossing of streets by railroads.

alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions.

Regulations relative to railroads, and the running of trains.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company to construct street crossings and bridges, in such manner, and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains.

Idem.

SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirements, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

Partition fences.

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining, and repairing of partition fences by the owners and occupants of adjoining lots, inclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Fence viewers.

Support of poor.

SEC. 9. The council of said city may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the appointment of an overseer of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

CHAPTER X.

POLICE.

SECTION 1. The council of said city may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night-watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants, and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require, and may provide for and appoint subordinate officers of the police and night-watchmen. Provision for appointment.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days. Rules for government thereof. Temporary police.

SEC. 3. The chief of police, subject to the direction of the mayor, shall have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council. Chief of police, authority of.

SEC. 4. It shall be the duty of the police and night-watchmen, and officers of the force, under the direction of the mayor or chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and may arrest upon view and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city. Powers and duties of policemen.

Idem.	SEC. 5. Every policeman designated by the common council to perform the duties of constable shall have power to serve all process directed or delivered to them for service which by law a constable might serve, and every such policeman shall have all the powers of constable, and shall receive the same fees as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman designated to perform the duties of constable shall, before entering upon the duties of his office, execute and file with the recorder such bond as is by law required of constables and with like effect, which shall be approved by the mayor and common council.
Fees.	
Bond of policeman.	
Suspensions and removals.	SEC. 6. The mayor may suspend any policeman or night-watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.
Compensation of certain officers.	SEC. 7. The chief of police, policemen, night-watchmen, and officers of police, except policemen designated to perform the duties of constables, shall receive such compensation as shall be fixed by ordinance, and shall not, directly or indirectly, demand or receive from any person or corporation any extra or other compensation, unless with the consent of the common council.
Council to designate two policemen to perform duties of constables.	SEC. 8. The common council shall designate, by resolution, two policemen, and no more, to perform the duties of constables, and may revoke such designation at pleasure. Such policemen shall receive no other compensation for such services than the fees provided by law.

CHAPTER XI.

CITY PRISON.

Provision for and imprisonment therein.	SECTION 1. The council of said city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.
Prisoners may be kept at hard labor.	SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinance of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XII.

PUBLIC HEALTH.

Provisions for protection of.	SECTION 1. The council of said city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the city, or within one mile thereof; and for the removal of per-
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sons having such diseases, or who, from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

SEC. 2. The council shall have power to prevent and remove or abate all nuisance dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Abatement of nuisances dangerous to health.

SEC. 3. If any cellar, vault, lot, sewer, privy, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty.

Cleaning or draining of unwholesome places.

SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

Collection of expense of removals, etc., by city in case of neglect.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Assignment of location for carrying on dangerous or offensive business.

Establishment of hospitals and detention of persons having contagious diseases.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes, and for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and, by direction of the council or board of health, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Council vested with powers as boards of health.

SEC. 7. The council shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinance as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Establishment of boards of health, and their authority.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officers thereof.

CHAPTER XIII.

CEMETERIES.

Acquisition and regulation as to interment, etc.

SECTION 1. Said city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Raising of money for.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

Appointment of board of cemetery trustees.

SEC. 3. Whenever said city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall ap-

point three trustees, upon the nomination of the mayor who shall be freeholders and electors in the city, and who shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Term of office.

Removals from office.

Compensation.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the recorder shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary, for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties relating to the cemetery as the council may prescribe.

Organization and powers of board.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered, and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the recorder. The board, subject to the approval of the common council, shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the recorder, and be recorded in his office at the expense of the purchasers.

Care, laying out and embellishment of the grounds.

Sale of lots.

Conveyance of.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Appointment of superintendents, etc., expenditure of money and care of grounds.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, to the credit of the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council semi-annually, on the first Monday in March and September, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expendi-

Cemetery fund.

Semi-annual report of board.

tures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported,—which report shall be verified by the oath of the chairman and recorder.

Council may pass ordinances for care, protection, etc., of cemeteries.

SEC. 8. The common council may pass and enforce all necessary ordinances to carry into effect the provisions herein, and to control and regulate such cemetery or burial place, whether within or without the city, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Protection of church cemeteries.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof and the appurtenances thereto.

CHAPTER XIV.

POUNDS.

Pounds, pound-masters, and the impounding of animals.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large contrary to any ordinance of the city.

Fees, charges, and penalties.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

CHAPTER XV.

MARKETS.

Erection and regulation of market-houses, etc.

SECTION 1. The council of said city shall have the power to erect market-houses, establish and regulate markets and market places for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

Rules to prevent fraud, etc., and to preserve order.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted, unsound, or

unwholesome meats, or other provisions exposed for sale therein, or elsewhere in said city.

CHAPTER XVI.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

SECTION 1. Said city may acquire, purchase, erect, or lease all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, and disposed of as occasion may require. Acquisition, use, and disposition of.

SEC. 2. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachment, and injury, and from all nuisances. Of parks within the city.

CHAPTER XVII.

SEWERS, DRAINS, AND WATER-COURSES.

SECTION 1. The council of said city may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city, and may regulate and maintain those already constructed; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds. Establishment and construction of.

SEC. 2. The board of public works of said city shall have the care and management of all sewers and drains and the charge of their construction. Board of public works to have care and charge of construction of.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city or any part thereof, it shall be their duty to so declare by resolution, and shall therein direct the board of public works to report a plan of drainage for the whole city, or for such part thereof as they shall determine. Plan for drainage.

SEC. 4. Such plan shall be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plans or diagrams of such plan, when adopted, shall be filed in the office of the recorder. Main sewer districts. Plans.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one Special sewer districts.

or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Manner of paying for various kinds of sewers.

SEC. 6. Such part as the common council shall determine, not exceeding two-fifths of the cost and expense of any main district sewer, or of the cost of any lateral, branch, or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer.

Diagram and estimate of cost of sewer to be built.

SEC. 7. Before proceeding to the construction of any district sewer, the board of public works, by direction of the common council, shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade, and dimensions thereof, accompanied by an estimate of the cost thereof, and report the same to the common council. And the recorder shall give notice, by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct said sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Notice of intention to construct sewer.

Determination to construct district sewer declared by resolution.

SEC. 8. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits, and the proportion to be paid from the general sewer fund and to be defrayed by special assessment when so determined, shall be final and conclusive; and they shall cause such plat and diagram as adopted to be recorded in the office of the recorder, in the book of sewer records.

Apportionment of expenses.

Record of plat.

Special assessments for sewers.

SEC. 9. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

Ordering construction of private drains.

SEC. 10. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not con-

structed and maintained according to such requirement, the council may direct the work to be done by the board of public works, at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon. Expenses thereof.

SEC. 11. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe. Connection of premises, etc., with public sewers.

SEC. 12. Such part of the expenses of providing ditches, and improving water-courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits. Special assessments for ditches, etc.

SEC. 13. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof. Expenses of repairing and reconstructing.

SEC. 14. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city. Protection and control of public sewers, etc.

CHAPTER XVIII.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and may cause the same to be kept in repair, and free from nuisance. Control and repairing of.

SEC. 2. But the city shall not appropriate any money for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked, and used by the public as a street or alley before the passage of this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after the passage of this act unless the dedication shall be accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose. Care of streets not accepted by council.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, or alter any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund. Laying out, altering or vacating streets. Expenses thereof

Survey of
streets and
records of same.

SEC. 4. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the recorder, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described.

Street grades,
etc.

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, duplicate records and diagrams thereof shall be made in books provided by the common council for that purpose, one of which shall be kept in the office of the recorder and one in the office of the city engineer.

Record of same.

Expenses
attending change
of grade when
not asked for.

SEC. 6. Whenever any pavement shall have been constructed on any street, alley, or highway, in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Damages result-
ing by a change
of grade.

SEC. 7. If any damage shall result to any owner by a change of the established grade of any street, alley, or sidewalk, the council shall levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

PAVING AND IMPROVEMENTS.

Authority for.

SEC. 8. The common council shall have power to cause the highways, streets, avenues, lanes, and alleys of the city to be graded, paved, planked, graveled, curbed, and otherwise improved and repaired, and the gutters paved; and for that purpose, and for defraying the expense thereof, may divide the city into street districts: *Provided*, Each ward shall constitute a street district unless otherwise provided by the common council. The term, "paved," shall be deemed to include the necessary crosswalks, gutters, curbing, and ballasting.

Division of city
into districts.

Proviso.

"Paved"
defined.

Apportionment
of expense of
paving, etc.

SEC. 9. Such part of the expense, not to exceed two-fifths thereof, of improving any street, lane, or alley by paving, planking, graveled, or curbing, and of repaving the same, as the common council shall determine, may be paid from the general street fund,

or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

SEC. 10. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvements as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of public streets and alleys, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement, or, if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

When public property fronts improvement.

STREET REGULATIONS.

SEC. 11. The council shall have power to prohibit and prevent obstructions and incumbrances in the public highways, streets, and alleys of the city, and to remove the same, and to prohibit encroachments upon any public street, alley, or highway; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachments upon or in any such highway, street, or alley, and to require all such persons to remove every such obstruction, incumbrance and encroachment.

Obstructions of and encroachments upon streets.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the city, and for the protection thereof; and may cause the streets and public grounds to be lighted, and regulate the setting of lamp-posts therein, under the supervision of the board of public works, and protect the same.

Planting of shade trees and lighting of streets.

SEC. 13. The common council may, by ordinance, regulate the

Digging in streets for laying of gas pipes, etc.

Regulation as to use of streets.

Stands for vehicles.

Wood and hay market, etc.

Signs, etc.

Immoderate driving.

Gathering of crowds.

Running at large of animals and fowls.

Cleaning of streets and removing nuisances.

General police authority over streets.

manner of making of all openings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the board of public works, and at such times and upon such terms and regulations as they may prescribe.

SEC. 14. The council may regulate the use of public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning-posts, and telegraph-poles, in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges, to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety of persons and property in the lawful use thereof; and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

CHAPTER XIX.

SIDEWALKS.

Construction, etc., and expense thereof.

Idem.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain, or cause to be constructed and maintained, sidewalks and crosswalks in the public streets and alleys, and charge the expense of such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

SEC. 2. The council shall also have authority to require the owners of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times and to construct and

lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe: *Provided*, Proviso. That the owners of said lots and premises shall not be required to construct said sidewalks until the grading therefor shall be first made, and the expense necessary for such grading paid from the proper street district fund.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances. Removal of snow, ice, etc.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent thereto and abutting upon such sidewalk. Proceedings in case of neglect.
Expense a tax on property.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk. Regulations as to placing signs, awnings, etc.

CHAPTER XX.

COST OF IMPROVEMENTS.—SPECIAL ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine-houses and structures for the fire department, for water-works, market-houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this chapter provided. Certain improvements to be paid for from the general fund.
Making of special assessments.

SEC. 2. There shall be a board of assessors in said city, consisting of three members, who shall be freeholders and electors in the city, to be appointed by the council; they shall hold office for three years, and until their successors shall be appointed and qualify: *Provided*, The members first appointed shall hold office Board of assessors.

Previso—term of office of first members.

Compensation.

Apportionment of expense of contemplated improvement.

Estimates, plats, etc., deposited with recorder.

Notice of meeting to consider objections.

Ordering of the work.

What costs and expenses shall include.

Special assessment.

Directions to board of assessors as to special assessments.

Assessment roll.

for one, two, and three years respectively, the term of each to be designated in the resolution appointing them; after which one member shall be appointed annually to take the place of the member whose term shall soonest expire. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment the council shall appoint some other person to act in his stead in making the assessment, who, for the purposes of that assessment, shall be a member of the board.

SEC. 3. When the council shall determine to make any public improvements or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution stating the improvement, and what part or portion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

SEC. 4. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made by the board of public works, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the recorder for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

SEC. 5. The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, notices, advertising, and costs of construction.

SEC. 6. Special assessments to defray the cost of any improvement shall be levied before the making of the improvement.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applica-

ble to the assessment; and when such assessment is completed, they shall report the same to the council.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless, on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Board to report completion to council.

Assessment according to frontage.

According to benefits.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith shall be reported to the council in such manner as the council shall prescribe.

Special assessments other than those to be made *pro rata*.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the recorder to the board of assessors for assessment.

Determination of proportion of expense chargeable against individual lots. Reported by recorder to assessors.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Special assessment roll in accordance therewith.

Reported to council.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the recorder and numbered. Before adopting the assessment, the council shall cause notice to be published for one week at least, in some newspaper of the city, of the filing of the same with the recorder, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the recorder.

Filed in office of recorder.

Notice of meeting to review assessment.

Objections filed with recorder.

SEC. 14. At the time appointed for that purpose as aforesaid,

Review, correction, and disposition of roll.

the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision, or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the recorder shall indorse a certificate thereof upon the roll, showing the date of confirmation.

Certificate of date of confirmation.

Confirmation final.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed, except by the concurrence of a majority of all the aldermen elect.

Vote thereon.

Assessment a lien on land and charge against persons.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Division into installments.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than two installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent upon the second installment.

What part of special assessment due upon confirmation.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time as provided in the preceding section, shall be due and payable upon confirmation.

Special assessment roll for each installment.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Assessor to apportion and collect installments in case of division of lots.

SEC. 20. Should any lots or land be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessment thereafter made upon such lots or lands shall be according to such division.

Report of apportionment to be conclusive.

Additional assessments in case of a deficiency.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Excess refunded.

New assessment roll to be made in case of irregularity in proceedings.

SEC. 22. Whenever any special assessments, heretofore or hereafter made, shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or

not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as herein provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

Lien for equitable charges not impaired by decree vacating assessment.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith, as a tax, in the city tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said city tax roll shall be collected and enforced with other taxes in the city tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

Payable assessments, how levied and collected.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be levied in the city tax-roll, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the recorder shall attach his warrant to a certified copy of said special assessment roll, therein commanding the treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury; and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

Council may order a direct collection of such assessment by city treasurer.

SEC. 26. Upon receiving said assessment roll and warrant, the treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the collector shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and for the costs

Seizure and sale of goods.

Disposition of proceeds.

Disposition of money by treasurer and return of roll and warrant.

and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

SEC. 27. The treasurer shall pay the moneys and all the costs and expenses collected by him into the city treasury, and file a statement thereof with the recorder. He shall also make return of said assessment roll and warrant to the recorder, according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by his affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Renewal of warrant.

SEC. 28. Said warrant may be renewed from time to time by the recorder, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the treasurer unpaid, as aforesaid, the same shall then be reassessed by the recorder, with interest included at the rate of fifteen per cent from the date of the confirmation of the assessment until the date of the passage of the next annual appropriation bill, in the next city tax-roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Assessments finally returned unpaid re-assessed with interest.

Special assessments may be collected by suit.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid, shall be sufficient. The special assessment roll and a certified order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Judgment may be rendered notwithstanding irregularity.

SEC. 30. If, in any such action, it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

SEC. 31. The provisions of the last two preceding sections shall apply as well to assessments made before the passage of this act, and remaining unpaid, as to those made after its passage.

CHAPTER XXI.

APPROPRIATION OF PRIVATE PROPERTY.

Purposes for which private property may be appropriated.

SECTION 1. Private property may be appropriated for public use in said city, for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of

bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; and for the improvement of water-courses; for sewers, drains, and ditches; for water-works, and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for making any such improvement and using such property, and the just compensation to be made therefor shall be determined by a jury of twelve disinterested freeholders; nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Manner of acquiring.

Council may acquire by purchase.

Proceedings when seizure is necessary.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, they shall so declare by resolution describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate when application will be made to the recorder for the impaneling of a jury to ascertain the necessity of making such improvement, and of using said land, and the just compensation to be made therefor.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with the recorder, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for two weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the chief of police, any policeman, or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff, chief of police, or policeman, of the service or posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said recorder before or at the time of making said application. And after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

Notice of application for jury.

Service of.

Return by officer, when and where filed.

Effect of notice.

SEC. 4. At the time appointed therefor in said notice and resolu-

Impaneling of jury.

tion, or at such other time as the proceedings shall be adjourned to by said recorder, he shall, upon the application of the city attorney, cause the chief of police, the sheriff, or one of the deputy sheriffs of the county, to make a list of the names of twenty-four disinterested freeholders, competent to serve as jurors. From said list the city attorney shall strike off six names and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the recorder shall strike off such names for him or them; and thereupon the recorder shall issue a *venire*, directed to the chief of police or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said recorder, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the chief of police, the sheriff, or one of his deputies, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Liability of jurors.

Interests of infants or incompetent persons, how protected.

SEC. 5. At the time of making the application to the recorder for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this state; but if there should be no guardian, or if no such guardian shall appear to represent such infant or incompetent person, the recorder, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Completing panel of jury.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the recorder shall require the chief of police, sheriff, or one of his deputies, to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the recorder shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of making such proposed improvement, and of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Right of challenge.

Oath of jurors.

Copy of notice, etc., and of plat to be given to jury.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken,

although not named in said resolution as an owner or party interested, may then file with the recorder a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Persons overlooked may file statement of interest.

SEC. 8. The jury shall then, or at such other time as the recorder shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the recorder shall instruct the jury as to the provisions of this section relating to their duties.

Jury to examine premises, etc.

To be instructed by recorder.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to make such improvement and to take such parcel of land for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby; and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Determination and award by jury.

SEC. 10. The jury shall make a report of their determinations and awards in writing. If they shall find such improvement necessary to be made, they shall so state in their report, and shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the recorder within ten days after the impaneling of the jury.

Report of.

SEC. 11. The city attorney shall give such assistance to the jury, in making up their report, as they may require. The recorder shall enter said report, and all the proceedings had in the cause before him, in a docket to be provided for that purpose.

City attorney to assist. Entry of report in docket.

Relative to disagreement of jury.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the recorder may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the recorder may appoint another in his place, who shall have the like qualifications, and be sworn, and exercise the same duties as the other jurors of the panel.

Appointment in place of person unable to discharge duties.

Copy of report, etc., for use of council.
Judgment of confirmation.

SEC. 13. Upon filing the report and award made by any jury, with said recorder, a copy thereof may be taken by the city attorney, for the use of the council; and at any time thereafter, and within sixty days after the impaneling of the jury making the report, the recorder, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said sixty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

When not made within sixty days.

Appeal to circuit court.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the recorder a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the recorder a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said recorder, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the recorder the sum of three dollars for making his return to the appeal: *Provided*, Such appeal shall not prevent the city from taking possession of and occupying the lands therein described for the purposes of the proposed improvement, the same as if the appeal had not been taken.

Proviso—appeal not to prevent city from taking possession of lands.

Bill of exceptions.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the recorder a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented

said recorder shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said recorder shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Correction of by recorder.

Filing of transcript of docket, etc., with clerk of court.

SEC. 16. Upon filing the return of the recorder as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said recorder, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the recorder as to the necessity of making the improvement and of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When court may remand case to recorder.

When parties may proceed to trial.

Appeal of one person not to affect others.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council, and a certified copy of the proceedings of the circuit court shall be filed in the office of the recorder and noted in his docket. And unless the appellant shall recover judgment for at least thirty dollars more than the amount awarded to him before the recorder, he shall pay costs to the city; otherwise the court may award such costs to him as shall be just.

When court shall confirm proceedings.

Copy of proceedings to be filed with recorder.

When appellant shall pay costs.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the recorder after the same has become final, and of the report of the jury thereby confirmed, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Copies of judgment and report evidence of regularity of proceedings, etc.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the recorder shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the

Damages, payment of.

Where deposited when person is unknown or incapacitated.

treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

When right to property shall vest in city.

Evidence of ownership, etc.

Proviso.

Effect of judgment upon leases.

SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer, of such payment, tender, or deposit, or a record of such certificate in the docket of the recorder, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken: *Provided*, That in case of an appeal being taken by any party, no tender of the damages awarded by the jury shall be necessary to authorize the city to take and occupy such lands.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the recorder, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

CHAPTER XXII.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the city shall commence on the third Monday in March in each year, unless otherwise provided by ordinance.

Authority of council to raise money by taxation.

SEC. 2. The council of the city shall have authority, within the limitations herein prescribed, to raise annually, by taxation within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.

Division of revenues raised by general tax.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

Contingent funds.

First, Contingent fund,—to defray the contingent and other expenses of the city, for the payment of which from some other fund, no provision is made;

Fire department fund.

Second, Fire department fund,—to defray the expense of purchasing grounds, erecting engine-houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

General street fund.

Third, General street fund,—to defray the expenses of opening, widening, extending, and altering streets, alleys, and public grounds; for paving, curbing, and gravelling the intersections of public streets and alleys, and repairing the same; for cleaning

public streets, alleys, and grounds, and for the construction and repair of crosswalks;

Fourth, General sewer fund,—to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water-courses; General sewer fund.

Fifth, Bridge fund,—for the construction and maintenance of bridges; Bridge fund.

Sixth, Water fund,—for constructing reservoirs and cisterns, and providing other supplies of water; for maintaining water works and extending water pipes. Water fund.

Seventh, Public building fund,—for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for; Public building fund.

Eighth, Police fund,—for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city; Police fund.

Ninth, Cemetery fund;

Cemetery fund.

Tenth, Interest and sinking fund,—for the payment of the public debt of the city and the interest thereon; Interest and sinking fund.

Eleventh, Such other general funds as the council may from time to time constitute. Other general funds.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds: Division of revenues raised in special districts.

First, A street district fund, for each street district,—for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district; Street district fund.

Second, A district sewer fund, for each main sewer district,—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts; District sewer fund.

Third, Special assessment funds,—any money raised by special assessment levied in any special assessment districts or special sewer district to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised. Special assessment funds.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, shall not, except as herein otherwise provided, exceed in any one year three per cent on the assessed value of all the real and personal property in the city made taxable by law. Aggregate amount council may raise by general tax.

SEC. 6. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving, and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is Amount in each street district for repairing of streets, etc.

constituted, a sum not exceeding in any one year one-half of one per cent on the assessed value of the taxable real and personal property in the district.

Tax to provide
for interest and
sinking fund.

SEC. 7. The council may also raise such further sum annually, not exceeding five mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Estimates of
expenditures.

SEC. 8. It shall be the duty of the council to cause estimates to be made in the month of May in each year of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving, and repairing the streets in the several street districts of the city.

Determination
of amount to be
re-assessed.

SEC. 9. The council shall also in the same month determine the amount or part of any special assessments which they require to be levied or re-assessed in the next general tax rolls of the city, upon lands in any main sewer or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Annual appro-
priation bill.

SEC. 10. The common council shall also, on or before the second Monday in June in each year, pass or adopt a resolution to be termed the annual appropriation bill, in which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district funds as estimated and determined upon as provided in section eight of this chapter, and order the same, or so much of such amounts as may be necessary to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six, and seven of this chapter to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or re-assessed with the next general tax as mentioned in section nine of this chap-

ter, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof; and shall at the same time, by resolution, levy the aggregate of the taxes mentioned in such appropriation bill upon the taxable property within said city.

SEC. 11. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a unanimous vote of the common council approved by the mayor, or by a majority vote of the electors voting upon such proposition at a public meeting assembled for the purpose. Such meeting of the citizens may be called by proclamation of the mayor, only upon the directions of the common council, two-thirds of the members elect voting therefor, and shall state definitely the object of the meeting, the amount of money necessary to be raised by special tax, and the purposes to which it is to be appropriated, which proclamation shall be published in two of the papers of said city, at least one week before the time appointed for the meeting; if at such meeting a majority of the citizens shall vote in favor of the special tax or taxes mentioned in such proclamation, or any portion thereof, it shall be lawful for the common council to levy the same, not exceeding one-half of one per cent in any year, upon the taxable property of the city, and to cause the same to be collected in the assessment roll of the city, to be issued next after the levy of such tax, and be collected in the manner provided for the collection of other city taxes; the vote at such meeting shall be by ballot, but this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor. Such tax shall be levied and collected with the next annual tax levy, and may be in addition to all other taxes herein provided for.

No further sums to be used or raised after passage of bill, except as herein provided.

SEC. 12. No improvement, works, repairs, or expense, to be paid for out of any general fund, except the contingent fund, nor from the street district fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general fund, except the contingent fund, nor from the street district fund, for any purpose, unless appropriated for that purpose in said bill.

All improvements to be made in pursuance of an appropriation, except as herein otherwise provided.

SEC. 13. No work or improvement to be made [paid] for by special

Minimum cost of improvements not specified in appropriation bill.

assessment, costing more than three thousand dollars, shall be ordered, commenced, or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill, unless a majority of the persons, and more than one-half the property in value, as represented upon the last preceding assessment roll, liable to be so assessed for such improvement, shall petition therefor.

Tax must be levied before work is commenced, etc.

SEC. 14. No public work, improvement, or expenditure shall be commenced except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

Raising greater sums than herebefore provided for, authorized by vote of electors.

SEC. 15. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax, if authorized by a majority vote of the electors voting upon such question at an annual or special city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed one per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls, and shall be raised with the next annual city tax.

Limit of amount.

Ordinance submitting question to vote of electors.

SEC. 16. The proposition to raise such additional amount shall be submitted to a vote of the electors by a resolution of the common council, approved by a two-thirds vote of the members elect, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Publication and posting of ordinance.

Vote by ballot.

Money raised for any fund to be credited to such fund.

SEC. 17. All moneys and taxes raised, loaned, or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the time of the adoption of the annual appropriation bill. In such case the surplus may be transferred to the sinking fund, or contingent fund, as the council may direct by resolution adopted by two-thirds vote of all the members elect. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Surplus at close of year may be transferred.

SEC. 18. No money shall be drawn from the treasury, except in

pursuance of the authority and appropriation of the council, and upon the warrant of the recorder, countersigned by the mayor. Such warrant shall specify the purpose for which drawn, and the fund from which it is payable, and shall be paid from no other fund.

How money can be drawn from the treasury.

SEC. 19. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it: *Provided*, That between the first day of May and the levying of the taxes mentioned in the annual appropriation bill in any year the common council may draw and issue warrants in anticipation of the raising of any fund, to an amount not exceeding thirty per cent of the amount raised in such fund the previous year. Any warrant, draft, or contract, payable by the provisions of this act from any particular fund, excepting as in this section otherwise provided, and bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

Warrant not to be drawn after fund is exhausted.

Proviso.

SEC. 20. No loans shall be made by the council, or by its authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the recorder. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable: *Provided*, The provisions of this section relative to issuing new bonds in place of former bonds falling due, shall apply as well to bonds issued before, as after the passage of this act.

Loans.

Bonds may be issued for. Record of.

When new bonds may be issued.

Proviso.

SEC. 21. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city; and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Auditing accounts, etc., at close of fiscal year.

Statement filed
with recorder
and published.

SEC. 22. Said statement, signed by the mayor and recorder, shall be filed in the office of the recorder, and a copy thereof published in one of the newspapers of the city at least five days previous to the next annual city election.

Appropriation
of public moneys
to private use
prohibited.

SEC. 23. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried, and convicted thereof, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

Penalty.

CHAPTER XXIII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment of
property and
duties of super-
visors in relation
thereto.

SECTION 1. The supervisors of said city shall, in each year, make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State; and, in so doing, they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Assessment of
persons who
falsely claim ex-
emption on the
ground of resid-
ing elsewhere,
etc.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed, and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Personal prop-
erty assessed in
ward where
found.

SEC. 3. All personal property found in any ward may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any

person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

SEC. 4. The supervisors of the several wards, together with the city attorney, shall constitute a board of review of assessments. At the time appointed by law for the review of assessments made by supervisors of townships, the said board of review shall meet at the office of the recorder, and there proceed to review and correct the assessments made by the supervisors in the several wards; and for that purpose said board shall have the same powers and perform the same duties in all respects as supervisors of townships in reviewing and correcting assessments made by them. Said board shall continue in session not less than three days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the recorder by publication in one of the newspapers of the city, at least one week before the time for the review.

Board of review
of assessments.

Notice of time
and place of
meeting.

SEC. 5. When the board shall have reviewed and corrected the assessment rolls of the several wards, they shall, in addition to the certificate required to be made by the supervisor, add their own certificate to each roll, signed by at least a majority of them, showing that they have reviewed the roll. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward, any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

Board to certify
to corrected
assessment rolls.

Further powers
of board.

SEC. 6. When such assessment rolls shall be completed they shall be delivered to the recorder, who shall immediately proceed to make therefrom a full and complete condensed copy of such assessment rolls for the use of the common council, which shall be deemed the city assessment roll for that year. When such copy shall be completed, and within fifteen days after receiving such rolls, the recorder shall re-deliver the same to the respective supervisors to be used for State, county, and school purposes: *Provided*, That the common council may extend the time of re-delivering said rolls as aforesaid not to exceed fifteen days.

Recorder to
make copy of
rolls for use of
council.

Re-delivery of
rolls to super-
visors.

Proviso.

SEC. 7. Whenever, in consequence of a defective description or assessment of any lands, the same cannot be sold for the city taxes of any year, the common council may cause such taxes to be re-assessed upon such lands with the next annual tax levy. It shall be the duty of the recorder to annually report to the common council such defective descriptions and assessments before the annual tax levy.

Defective de-
scriptions to be
re-assessed.

Annual report of
defective descrip-
tions.

SEC. 8. It shall be the duty of the recorder, under the directions of the common council, whenever the city assessment roll shall have been completed in each and every year, to assess the taxes

Duty of recorder
in making
assessment.

that have been levied by the common council for the year upon the taxable property of the city, according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year: he shall thereupon deliver to the city treasurer a copy of said assessment roll, with the taxes for the general funds of the city for the year, annexed to each valuation and carried out in a column thereof, and if there be other taxes assessed than for the said general funds, they shall be carried out in separate columns, and all special assessments, required by the common council or the provisions of this act to be assessed in such roll against any descriptions of land, shall be carried out in separate columns thereof, and the total amount of taxes and assessments shall be carried out in the last column of such roll.

Delivery of copy of roll to treasurer.

Treasurer's notice to taxpayers.

How given.

When treasurer required to be at his office.

Warrant for collection of unpaid taxes.

Proviso—renewal of warrant.

Duty of treasurer upon receipt of warrant.

SEC. 9. The treasurer, upon receiving such tax roll, shall give notice to the taxpayers of said city that the assessment roll has been delivered to him, and that the taxes therein assessed can be paid to him at his office in said city, at any time within thirty days after the giving of such notice, without any charge or percentage for the collection thereof, which notice shall be given by publishing the same in two newspapers published in said city, and by posting the same in at least three public places in each of the wards of said city, and an affidavit or affidavits showing the publication and posting of said notices shall be filed in the office of the recorder of said city; and it shall be the duty of the treasurer during said thirty days to be at his office from nine o'clock in the forenoon until four o'clock in the afternoon to receive payment of said taxes.

SEC. 10. Immediately after the expiration of the time mentioned in said notice, the recorder shall deliver to the city treasurer a warrant, under the hand of the recorder and the seal of said city, commanding him to collect from the several persons named in said roll whose taxes remain unpaid, the several sums mentioned in the last column thereof, opposite their respective names, and in addition thereto, two per cent upon all sums paid during the first month, and two per cent additional for each month, or part of a month thereafter, during which any sums shall remain unpaid, for collecting expenses, on or before the day specified in such warrant; and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax and the said collecting expenses, to levy the same by distress and sale of the goods and chattels of such person: *Provided*, Such warrant may be renewed or extended by the common council from time to time, but not to exceed six months from the date of the original warrant.

SEC. 11. The treasurer, upon receiving the warrant mentioned in the preceding section, shall proceed to collect the taxes and assessments therein mentioned that remain unpaid, and shall call upon each person whose taxes or assessments remain unpaid, if a resident of the city, at least once, and demand payment of the taxes and assessments charged to him upon said roll, and the percentage for the collection of the same, and in case of refusal or neglect to pay

such taxes or assessments and collection percentage, the treasurer shall levy the same by distress and the sale of the goods and chattels of every such person; wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; and the treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes and assessments, return said tax roll into the office of the recorder, and in case any of the taxes or assessments mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes and assessments remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax or assessment.

Distress and sale
of goods and
chattels.

Notice of sale.

Return of tax
roll.

SEC. 12. Whenever the treasurer shall not be able to collect any city tax or assessment on real or personal property, on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the treasurer for such tax or assessment; and thereupon such warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the treasurer shall charge interest on all such taxes and assessments, at ten per cent per annum, from the time of the expiration of his first warrant until the day of collection; it shall also be lawful for the treasurer, in the name of the city, to sue the person or persons against whom such real or personal property tax or assessment was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax or assessment. Executions issued upon judgments rendered for every such tax or assessment may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as now directed by law. The production of any assessment roll on the trial of any action brought for the recovery of a tax or assessment therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with [the] warrant annexed of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax or assessment therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality of the assessment of the same; and the court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it

When new war-
rant may be
issued.

Prosecuting by
suit for collec-
tion of taxes.

appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Statement of unpaid taxes, and sale of lands for.

SEC. 13. The recorder shall, immediately after receiving the said statement, transcribe the same into a book to be provided and kept for that purpose, and shall, under the direction of the common council, and in pursuance of the ordinances or resolution of said council, proceed to sell at public sale so much of said lands so returned on account of the non-payment of taxes or assessments thereon as shall be necessary to satisfy the amount of taxes, assessments, and collection percentage, together with such amount as may be directed by the common council to cover the expenses of such sale; notice of which shall be given by publication in a newspaper published in said city once in each week for four successive weeks preceding such sale, and said recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the time when the purchaser will be entitled to a deed of the same, and in case a less amount than the whole of any such description shall be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: *Provided*, That if any parcel of land cannot be sold to any person for the taxes, assessments, collection percentage, and charges, the recorder shall bid the same off to the common council of said city, and shall give a like certificate of such sale, which shall have like effect in all respects as if the same had been given to any other purchaser thereof. Upon the completion of said sale the said recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax or assessment, and amount for which the same were sold, and the names of the purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer, and said recorder shall also pay to said treasurer at the same time all the moneys received upon said sales.

Notice of sale.

Certificate of purchase.

Where part only is sold it shall be taken from north side.

Proviso—when to be bid off to council.

Recorder to make statement of sale to treasurer.

To pay money to treasurer received upon sales.

Redemption.

SEC. 14. Any person claiming any of the lands sold as aforesaid, or any interest therein, may, at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying to the treasurer of said city the amount for which such parcel was sold, or such portion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent per annum, fifteen per cent of which shall be paid to the purchaser; but in no case shall the interest be computed for less than three months from the day of sale, whereupon the treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof, and he shall, at the expiration of the year after the making of said sale, deliver to the recorder of said city a statement of all the lands that have been redeemed as aforesaid, and the amounts paid for such redemption.

Conveyance of lands sold.

SEC. 15. Upon the presentation of any such certificate of sale of any lands not redeemed, to the recorder, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall exe-

cute to the purchaser, his heirs or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon, and the same conveyance shall be *prima facie* evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the same by the supervisors to the date of the deed inclusive, and every such conveyance duly made and acknowledged may be given in evidence in all the courts of this State in the same manner and with the like effect of any other conveyance of real estate, or any interest therein, and the common council may, upon satisfactory evidence upon oath of the payment of any tax and assessment upon real estate, and that the same has been returned for non-payment by mistake or otherwise improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the land therein described has been conveyed as aforesaid, and thereupon the recorder shall draw an order upon the treasurer, countersigned by the mayor, for the amount of purchase money, and no deed shall be given upon such certificate of sale. If any lands bid off to the city shall not be redeemed within the time herein before provided, it shall be the duty of the recorder to make deeds therefor to the city in its corporate name, which shall have the same effect as when executed to private persons; and he shall cause the same to be recorded.

When council may cancel certificate.

Deeds for lands bid off to city.

SEC. 16. The said council shall have power and authority to make and establish all by-laws for the collection of said taxes and assessments, and every local, special, or general assessment or tax lawfully imposed by said common council on any lands, tenements, hereditaments, or premises whatever in said city, shall be and remain a lien on such lands, tenements, hereditaments, and premises from the time of imposing such tax or assessment until paid, and the owner or occupants, or parties interested respectively in said real estate, shall be liable on demand to pay every such tax and assessment to be levied as aforesaid.

Council may establish by-laws for collection of all assessments.

Taxes a lien.

CHAPTER XXIV.

FIRE DEPARTMENT.

SECTION 1. The common council of said city shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employees, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employees, firemen, and officers.

Establishment and maintenance of fire department.

SEC. 2. The council may purchase and provide suitable fire en-

Fire engines,
reservoirs, etc.

gines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Engine houses,
etc.

SEC. 3. The council may also provide, or erect, all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Appointment of
chief engineer,
and duties of.

SEC. 4. The common council may appoint a chief engineer of the fire department, who, subject to the direction of the mayor, shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus, and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary.

Assistant engi-
neers and
officers.

Authority of
certain officers to
command assist-
ance at fires.

SEC. 5. The chief engineer, mayor, chief of police, and any alderman or officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city.

Fire wardens
and their duties.

SEC. 6. The council shall provide, by ordinance, for the appointment of, and shall appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus and devices in or near all the dwellings, buildings, and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire limits.

SEC. 7. The council may prescribe by ordinance, from time to time, limits or districts within the city within which wooden buildings and structures shall not be erected, placed, or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed.

Location of
shops, lumber
yards, etc.

SEC. 8. The council may also prohibit, within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Storing of gun-
powder, etc.

SEC. 9. Every building or structure which may be erected.

placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

SEC. 10. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor.

CHAPTER XXV.

BOARD OF PUBLIC WORKS.

SECTION 1. The board of public works of said city shall continue, and the members thereof shall hold office during the term for which they were respectively appointed. The common council, at some regular meeting between the first day of March and the first day of April in each year shall, on the nomination of the mayor, appoint one member of said board to fill the place of the member whose term shall soonest expire, to hold office for five years. Vacancies occurring in said board shall, in like manner, be filled by appointment of the common council upon the nomination of the mayor, which shall be for the unexpired portion of the term in which such vacancy may occur. Every member of said board shall, before entering upon the duties of his office, file with the recorder a written acceptance and oath of office. The term of office of members of said board shall commence at nine o'clock in the forenoon of the first Monday of May in the year of their appointment, except those appointed to fill vacancies, whose term shall commence from the time of filing with the recorder their acceptance and oath of office. The members of said board shall serve without compensation.

SEC. 2. Said board shall annually elect one of its members president, who shall hold office for one year and until his successor shall be appointed. The recorder of said city shall be clerk of the board, and shall, by himself or his deputy, attend the meetings thereof, and keep a record of its proceedings, which shall be deemed a public record, and shall at all times be open to the inspection of the mayor and members of the common council, and all persons interested therein.

SEC. 3. No member of said board shall, during his term of office, hold any elective office under the charter of said city. Nor shall any member be personally interested, directly, or indirectly, in any contract for any public improvement in said city, nor in the purchase, sale, or disposition of any material to be used or applied in or about any public work or improvement under the control and supervision of said board.

SEC. 4. A majority of said board shall constitute a quorum for

Buildings erected, etc., in violation of an ordinance, a nuisance.

Compensation of firemen.

Pulling down of buildings in case of fire.

Appointment to, and term of office.

Vacancies, how filled.

Oath of office.

When term to commence.

Compensation.

Board to elect president.

Recorder to be clerk of board.

Members of board not to hold elective office, or be interested in contracts.

Quorum.

Record of proceedings to show vote.	the transaction of business, but a majority of all the members thereof shall be necessary to decide questions before the board; and the record of the proceedings of the board shall show the vote of each member voting upon any question, and whether he voted for or against it.
Board to have care of water-works, etc.	SEC. 5. Said board shall have the care and management of the water-works now constructed, and as the same may be improved and extended, and of the maintenance and repair thereof; of the collection of water rates; and of making connection with water-pipes. Said board may appoint a superintendent of public works, whose duty it shall be to take general charge thereof. It shall be his duty to collect the water-rates, and perform such other duties as may be required of him by said board. He shall give a bond for the faithful discharge of the duties of his office, in such sum and with such sureties as shall be required by said board and approved by the mayor. His compensation shall be fixed by the board and approved by the common council.
May appoint a superintendent.	
Duty of.	
Bond of.	
Compensation of.	
General powers and duties of board.	SEC. 6. Said board shall have the charge and management of the construction, repair, and maintenance of all sewers built, or to be built in said city; of the improvement of water-courses and the diking of Grand river; of the erection of public buildings; of the improvement of public parks; of the building of bridges; of the construction of pavements, sidewalks, and crosswalks, and of the graveling, working upon and otherwise improving the public streets, lanes, and alleys within said city; of the manner and time of laying gas-pipes, and of the erection of gas-posts, and of the making of all other public improvements from time to time ordered by the common council, except as herein otherwise provided.
Not to enter into contract unless authorized by council.	SEC. 7. Said board shall not enter into any contract for making any public improvement unless authorized by the common council, nor incur any indebtedness whatever beyond the amount appropriated by the common council for that particular purpose.
Board to make estimate, etc., of expense of public work where means are not already provided	SEC. 8. Whenever the common council shall decide that the construction of any public work, for which means are not already provided, is a necessary improvement, the board shall, with all convenient dispatch, determine as to the particular kind and quantity of material to be used therefor, and estimate the probable expense of such work, and of the materials to be used in detail, and cause to be prepared, so far as necessary, plans and specifications for such work, and report their estimate to the common council, as a basis for assessing, or otherwise raising, according to law, the fund necessary to enable the board to go forward with such work.
To prepare plans and specifications, and report estimates to council.	
If estimate approved by council, expense to be raised by special assessment.	SEC. 9. If the common council shall approve such plans, specifications and estimates, they shall so declare by resolution, and such estimate shall be deemed the expense of making such improvement, and may be raised by special assessment, or otherwise, in the manner provided by this act for defraying the expense of the particular improvement for which estimates may have been made; but if the same shall not be approved, as aforesaid, no further action shall be had by said board.
	SEC. 10. The common council may, in its discretion, instead of

assessing or otherwise providing for defraying the estimated cost of any public improvement, as provided in the last preceding section, direct said board to advertise for sealed proposals for making such improvement. Thereupon said board shall advertise for at least one week in such newspaper published in said city as the council may designate, for such proposals, which shall include the performance of the necessary labor and furnishing material therefor, unless otherwise ordered by the common council. The board shall reserve the right to reject any or all bids: *Provided*, No contract for any such work or improvements, of which the estimated cost shall exceed one hundred dollars, shall be made by said board, unless ordered to do so by the common council, until after having advertised for proposals as aforesaid.

Council may direct board to advertise for sealed proposals.

Right to reject any and all bids reserved. Proviso.

SEC. 11. The common council may authorize said board to enter into contract for the furnishing material, and performing labor necessary for making any public improvement, or to make separate contracts for furnishing material and performing such labor, upon the basis of the estimates therefor, without first advertising for proposals, as provided in the last preceding section, or may authorize said board to make such improvement in such other manner as may be deemed for the best interest of the city.

Council may authorize board to enter into contract without advertising.

SEC. 12. All contracts made by said board shall be in the corporate name of the city, and shall be signed by the recorder and countersigned by the president of the board.

How contracts to be made.

SEC. 13. The common council may, at any time, by resolution, call upon said board to furnish and report a statement showing the condition, progress, and operation of any work or improvement being carried forward under, or commenced by said board, and it shall be their duty to make such report without unnecessary delay.

Council may call on board for statement of progress, etc., of work.

SEC. 14. All claims for work done under the supervision of, or expenses incurred by said board, shall be audited and reported by it to the common council. No money shall be paid out of the treasury on account of any such work or expense until the common council shall have approved of the same, and only upon warrants signed by the recorder and countersigned by the mayor.

Expense, etc., to be reported to council.

Money not to be paid until approved by council.

SEC. 15. All moneys received by said board, or by any officer appointed by it, from water-rates or other sources, shall be paid into the city treasury.

Moneys received for water-rates to be paid to city treasurer.

SEC. 16. It shall be the duty of said board, from time to time, to make estimates of the amount earned and payable upon any contract for public work or material connected therewith, and report the same to the common council; and thereupon it shall be the duty of the common council, without unreasonable delay, to order payment, from the proper fund, of the amount so reported.

Board to make estimate of amount earned, etc., on contracts.

Council to order payment.

SEC. 17. Said board shall reserve the right, in all contracts, to determine finally all questions as to the proper performance of such contracts, and as to the completion of the work specified therein, and in the case of dilatory, improper, or imperfect performance thereof, to suspend the work at any time; to order the partial or entire reconstruction of the same, if imperfectly done, or to re-let the work covered by such contract, or any unfinished

Board to reserve right to determine as to proper performance of contracts.

portion thereof, whether from unreasonable delay in performing the work, or other just cause, they shall deem such contract forfeited; and power is hereby given said board to determine all such questions arising under any such contract, according to the true intent and meaning thereof.

To employ engineers.

SEC. 18. Said board shall have power to employ such engineers as may be necessary in the management and maintenance of the water-works, and fix their compensation, subject to approval by the common council, and to employ such other laborers as may be necessary therefor. They shall make needful rules and regulations for the collection of water-rates, and may enforce payment by suit in the corporate name of the city in any court of competent jurisdiction, and may cut off and deprive such delinquent consumer of a supply of water from such works until arrearages of water-rates and expense of cutting off the water are paid.

To make rules for collection of water-rates, etc.

To make rules for connection with water-pipes and sewers.

SEC. 19. Said board shall make rules and regulations for making connections with water pipe and sewers; and any licensed plumber making connection with any water-pipe, or extending any supply pipe, or in any manner increasing the flow of water, without a permit from said board, or the superintendent of water-works, shall forfeit his license.

Power of board to appoint street commissioner, city engineer, etc.

SEC. 20. Said board shall have power to appoint a street commissioner and city engineer, and such other officers as may be necessary to carry into effect the powers and perform the duties herein conferred and imposed, and fix their salary, subject to the approval of the common council.

Board to report to council estimated expense of officers, etc.

To recommend making of improvements.

SEC. 21. Said board shall, on or before the first Monday in May of each year, report to the common council the estimated expense of all officers and employes which by this act they are empowered to appoint or employ. They shall also at the same time report and recommend to said common council the making of such public improvements as in the judgment of said board shall be for the best interest of the city, and the estimated cost thereof.

CHAPTER XXVI.

MISCELLANEOUS.

Process to run in name of city.

SECTION 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor or recorder.

Duty of council relative to filing plats, etc.

SEC. 2. No plat and dedication of any street and public grounds within the city shall be approved by the council, until the proprietor thereof shall file with the recorder a correct survey, plan, and map of such grounds, and the divisions thereof, showing the relative position and location of lots, streets, and alleys, with respect to the adjacent lots, streets, and alleys of the city; nor shall any such plan and map, divided and platted into lots, streets, and alleys, be recorded in the office of register of deeds for said county of Jackson, until the survey, plan, and map aforesaid is filed with the recorder; nor shall such plat be approved by the council, unless the dedication of the streets thereon shall be such as to

vest in said city absolute control over said streets; and such approval and acceptance by said council shall be by ordinance or resolution, as provided by section two of chapter eighteen of this act.

SEC. 3. Any person who shall willfully do, or cause to be done, any act whereby any work, material, or property whatsoever, selected or used for the purpose of procuring or keeping a supply of water for said city, shall in any manner be injured, or shall willfully pollute, or cause to be polluted, any such water, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars, nor more than one thousand dollars, or by imprisonment for not less than thirty days, nor more than three years, or by both such fine and imprisonment, in the discretion of the court. Penalty for willful injury to water-works, etc.

SEC. 4. If any person shall, without the authority of the board of public works, as delegated through any of their agents, perforate or bore, or cause to be perforated or bored, any reservoir, distributing pipe, or main belonging to such water works, or make, or cause to be made, any connection or communication whatever, with the reservoir or pipes, or dig up or molest the same, shall, upon conviction, be punished by a fine not exceeding fifty dollars, or imprisonment not exceeding thirty days, or both such fine and imprisonment, in the discretion of the court, and costs of prosecution. Idem.

SEC. 5. If any person shall interfere with any part of said water-works with a design to diminish or prevent a supply of water for extinguishing fires, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment in the State prison not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court. Idem.

SEC. 6. All acts or parts of acts contravening the provisions of this act, or inconsistent herewith, are hereby repealed: *Provided*, This act shall not invalidate any legal act done by the mayor, recorder, and aldermen of the city of Jackson, or by the common council, or any officer of said city. All ordinances, by-laws, regulations, resolutions, and rules of the common council of the city of Jackson, now in force, and not inconsistent with this act, shall remain in force until altered, amended, or repealed by the common council under this act, and after the same shall take effect. All property, real and personal, and rights of property in law or in equity, and all debts, fines, penalties, forfeitures, rights, and causes of action which belong, have accrued, or may accrue, to the mayor, recorder, and aldermen of the city of Jackson shall be fully and absolutely vested in the said city of Jackson, to be held subject to the provisions hereof, and may be prosecuted for, recovered, claimed, and maintained by said city of Jackson, in its own name, or in any other lawful manner. All writs, prosecutions, actions and causes of action, now in suit or instituted by or against or in behalf of the mayor, recorder, and aldermen of the city of Jackson, shall continue and may be prosecuted to the end thereof, to the Inconsistent acts repealed.
Proviso—this act not to invalidate any legal act of mayor or other officers.
Property, rights, franchises, etc., vested in new corporation.
All writs, prosecutions, etc., now commenced may be prosecuted to the end thereof.

same effect as if this act had not been passed; and said city of Jackson shall pay and discharge all the debts, obligations, contracts, and liabilities of the mayor, recorder, and aldermen of the city of Jackson.

SEC. 7. This act shall take immediate effect.

Approved April 24, 1875.

[No. 359.]

AN ACT to amend section forty-four (44) of an act entitled "An act to incorporate the city of Alpena," approved March twenty-nine, eighteen hundred and seventy-one, being act number two hundred and forty-nine of the session laws of eighteen hundred and seventy-one.

Section amended SECTION 1. *The People of the State of Michigan enact*, That section forty-four (44) of an act entitled "An act to incorporate the city of Alpena," approved March twenty-nine, eighteen hundred and seventy-one, being act number two hundred and forty-nine of the session laws of this State for the year eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Review of assessments. SEC. 44. The said comptroller shall deliver the assessment roll to the said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their records, the said comptroller shall again take such roll into his possession, and cause the amount of all taxes in dollars and cents authorized to be assessed and collected in each year for the city, school, and highway purposes, and all other corporation taxes not herein otherwise provided for, to be ratably assessed to each valuation in said roll or book prepared for that purpose, to be known as the city tax roll, in separate columns, showing the amount of city, school, highway and other taxes assessed according to this act to each valuation in each year, and when the said tax roll has been completed, and on the second Monday of July of each year, the comptroller shall cause the same to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith, who shall retain said tax roll in his office until the first day of September next thereafter; upon the receipt of the tax roll by the city treasurer, as herein provided, the taxes therein stated shall become due and payable, and during the first twenty days after said treasurer shall have received said tax roll any person assessed therein may pay the amount of taxes assessed against each person or description respectively to said treasurer, free from any charges or percentage for collection. Said treasurer shall receive and give receipt therefor, and mark the same paid upon the roll, with the date of payment. The treasurer shall add to sums extended on the roll the sum of one per cent as fees for the collection of such taxes and assessments as shall be paid to him after the said first twenty days up to and including the thirty-first day of August in

Separate columns in assessment roll.

Tax roll to be delivered to treasurer.

When tax may be paid without collection fee.

When subject to collection fee.

each year, within ten days after the first day of September in each year. The comptroller shall cause to be made out a copy of so much of the assessment or tax roll as remains due and unpaid, filing the original in his office. The treasurer shall add such percentage (not exceeding four per cent) as shall have been fixed by the common council, to be paid to the said treasurer, as compensation for the collection of such taxes or assessment. No addition shall be made to taxes paid before the first day of September, except the fees or compensation above allowed to the city treasurer for collection; but an addition of one per cent of every unpaid tax shall be made thereto on that day, and a like addition of one per cent on the first day of each month thereafter until such addition shall amount to six per cent of such tax; and upon the receipt of any such tax after the said first day of September above specified, it shall be and is hereby made the duty of said city treasurer to demand of, collect, and receive from any party paying the same the above addition of interest herein before provided, as interest for the non-payment of said taxes or assessment on or before the thirty-first day of August, and upon the receipt of any tax and the accrued interest thereon, as herein before provided, the treasurer shall mark the same paid upon the roll, with the date or time of such payment, and shall give a receipt therefor. The comptroller shall annex or attach his warrant to said tax or assessment roll, so made out after the first day of September, directed to the treasurer of the city, and made returnable upon the last Saturday of October then next following, commanding him to collect from the persons named in the assessment or tax roll the assessment of taxes therein specified and set forth as due and payable from such persons, together with the accrued interest thereon due, in accordance with the provisions of this section, together with his fees for such collections up to the date of such payment or collection of such tax, and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant, or lessee refusing or neglecting to pay the same, whenever or wherever the same may be found within the limits of the county of Alpena, and to pay over and account for the taxes and assessments then collected, according to law. The comptroller shall charge the amount of taxes remaining unpaid upon the said roll to the treasurer of said city receiving the same, and shall also take a receipt therefor. Warrants for the collection of taxes or assessments may be extended or renewed from time to time as the common council shall direct; but the time for the payment of any general tax shall not be extended beyond the first day of February following the time when such tax shall have become due and payable. If any of the taxes or assessments mentioned and described in the said tax roll remain unpaid on the first day of February next following the time when any tax may become due and payable, and the city treasurer shall be unable to collect the same from the owner or occupant of the premises assessed, he shall make out a statement of the taxes so remaining due and unpaid, with a full and perfect description of such premises from said tax roll, and said treasurer shall add to every

List of unpaid taxes.

Percentages to be added.

Comptroller's warrant.

Duty of comptroller.

Extension of warrants.

Return of unpaid taxes.

Proceedings
same as in town-
ships.

Interest to go to
general fund.

such tax six per cent of the amount thereof, as stated in the said roll, and the amount of the tax and of such additions as are herein before specified shall be thenceforth the unpaid tax, and such city treasurer shall, on said first day of February, make return of the same to the county treasurer as delinquent for such taxes and accrued interest as herein before provided, and all the proceedings for the return, sale, and redemption of real estate for the non-payment of said taxes and interest shall be in conformity with the proceedings for the return, sale, and redemption of real estate by township officers, except as herein otherwise provided. All interest collected by said treasurer upon any unpaid and due tax under the provisions of this section, shall be placed to the credit of the general fund of the city.

SEC. 2. This act shall take immediate effect.

Approved April 27, 1875.

[No. 360.]

AN ACT to amend sections forty-six, forty-seven, fifty-six, sixty, sixty-one, and seventy-one, of act number two hundred and six of the session laws of eighteen hundred and seventy-three, entitled "An act to re-incorporate the village of Buchanan, and to repeal all acts and parts of acts inconsistent with the provisions of this act," and to add three new sections thereto.

Sections added
and amended.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and six of the session laws of eighteen hundred and seventy-three, entitled "An act to re-incorporate the village of Buchanan, and to repeal all acts and parts of acts inconsistent with the provisions of this act," be amended by adding thereto three new sections, to stand as sections eighty-nine, ninety, and ninety-one, and that sections forty-six, forty-seven, fifty-six, sixty, sixty-one, and seventy-one, of said act be and the same are hereby amended so as to read as follows:

Assessment.

SEC. 46. The assessor of said village shall, on or before the fourth Monday in April in each year, make an assessment roll containing a description of all the real property, and the aggregate amount of all the personal property in said village, liable to taxation under the laws of the State, and the name of the owner, agent, or person liable to pay taxes thereon, if known, and the names of all persons liable to pay a poll tax in said village; and shall set down on such roll the valuation of such property, at its fair cash value, placing the value of the real and personal property in separate columns.

When assess-
ment to be made.

SEC. 47. All personal estate shall be assessed to the person who shall be the owner thereof on the fourth Monday in March, and all real estate shall be assessed to the owner, agent, or person liable to pay the taxes thereon, on that day, unless the same shall be given in by some other person for assessment to him, and the taxes assessed upon any real estate, and all legal charges made thereon shall be a charge against the person owning the same on the fourth Monday in March, and shall be a lien on said real estate from and

When taxes to
become due.

on the first Monday of June of the year in which such real estate was assessed.

SEC. 56. The assessor shall make out and deliver to the marshal of said village such assessment roll as aforesaid, with the warrant attached as aforesaid, as provided for in section fifty-three of this act, on or before the first Monday in June of each and every year.

Warrant of collection.

SEC. 60. No other highway tax shall be levied and collected in said village, excepting those mentioned in sections fifty-eight and fifty-nine of this act, and the tax specified in said sections shall be included in and subjected to the same proceedings as by this act are required to be had upon the general tax.

Highway tax.

SEC. 61. The marshal of said village shall, immediately after receiving the assessment roll, with the warrant of the assessor thereto annexed, as provided for in section fifty-three of this act, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant.

Marshal to collect taxes.

SEC. 71. Whenever a conviction is had, or judgment for any fine, penalty, or forfeiture for a violation of this act, or of any by-law or ordinance of said village, it shall be with costs of suit, and if the judgment be for the payment of fine only, execution in the form of executions in civil cases in justices' courts, against the goods and chattels only of the person convicted, shall issue forthwith.

Proceedings for violation of by-laws, etc.

If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution as above shall at the same time issue against the goods and chattels of the defendant for the fine imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue forthwith, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

When warrant for commitment to issue.

SEC. 89. The common council shall have control of all sidewalks in the public streets and alleys of the village, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expenses of such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

Council to control sidewalks, etc.

SEC. 90. The common council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets, adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the common council shall, by ordinance or resolution, prescribe, and to keep the same free from obstructions, snow, ice, filth, or any nuisance.

May require owners to build sidewalks.

SEC. 91. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last section, or shall fail to keep the same

When council to build—cost of, how collected.

free from obstructions, encumbrances, or other nuisance, the common council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the common council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

SEC. 2. This act shall take immediate effect.

Approved April 27, 1875.

[No. 361.]

AN ACT to organize the township of Churchill, in the county of Ogemaw.

Township
organized.

SECTION 1. *The People of the State of Michigan enact*, That townships twenty-two, twenty-three, and twenty-four north, of range three and four east, in the county of Ogemaw, be and the same is hereby organized into a separate township by the name of Churchill.

First election.

SEC. 2. The first election in said township shall be held at the house of William Rose on the first Monday of April, eighteen hundred and seventy-six, which said election shall be conducted according to the statute in such case made and provided; and William Rose, A. L. Cumming, and S. Rose, are hereby constituted and appointed inspectors of said election.

Contingent provision.

SEC. 3. If for any reason the township meeting aforesaid should not be held at the time named, it shall be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved April 27, 1875.

[No. 362.]

AN ACT to detach certain territory from the present township of Alabaster, in the county of Iosco, and to attach the same to the township of Edwards, in Ogemaw county.

Change of
boundaries.

SECTION 1. *The People of the State of Michigan enact*, That township twenty-one north, of range three and four east, now forming a part of the township of Alabaster, be and the same is hereby set off from the residue of said last named township and attached and made to form a part of Edwards township, in the county of Ogemaw.

SEC. 2. This act shall take immediate effect.

Approved April 27, 1875.

[No. 363.]

AN ACT to detach certain territory from the present township of Thompson, in the county of Iosco, and attach the same to the township of Ogemaw, in Ogemaw county.

SECTION 1. *The People of the State of Michigan enact, That* township numbered twenty-four north, of ranges one and two east, now forming a part of the township of Thompson, be and the same is hereby set off from the residue of said last named township, and attached to and made to form a part of the township of Ogemaw in said county of Ogemaw. Change of boundaries.

SEC. 2. This act shall take immediate effect.

Approved April 27, 1875.

[No. 364.]

AN ACT to amend section seventeen of chapter six, chapter seven, section two of chapter ten, sections one, two, three, five, ten, eleven, twelve, thirteen, fifteen, sixteen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, thirty-one, and thirty-two, of chapter eleven, sections seventeen and eighteen of chapter fourteen, of an act entitled "An act to revise the charter of the city of Port Huron," approved February fifteenth, eighteen hundred fifty-nine, and the acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact, That* section seventeen of chapter six, sections one, two, three, four, five, six, seven, eight, nine, ten and eleven, of chapter seven, section two of chapter ten, sections one, two, three, five, ten, eleven, twelve, thirteen, fifteen, sixteen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, thirty-one, and thirty-two of chapter eleven, sections seventeen and eighteen of chapter fourteen, of an act entitled "An act to revise the charter of the city of Port Huron," approved February fifteenth, eighteen hundred fifty-nine, and sections twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and forty-seven of chapter seven of said act are hereby repealed. Sections amended.

CHAPTER VI.

SEC. 17. The common council, in addition to its powers under this act, and subject to and consistently with its provisions, shall have powers within and jurisdiction of the corporation: Powers of council.

First, To determine and regulate the compensation of all officers elected or appointed under this act, except as is herein other- Compensation of officers.

wise provided. The salary of no officer shall be increased during the term of his office, unless by a two-thirds vote of the common council ;

Election, appointment, and removal of officers.

Second, To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act ;

Officers' fees.

Third, To authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council may deem reasonable ;

Fees of witnesses and jurors.

Fourth, To fix and regulate the fees of jurors and witnesses in any proceeding under this act, or under any ordinance of the common council ;

Jurisdiction of rivers as to purity of waters and navigation.

Fifth, To provide for and preserve the purity of the waters of the St. Clair River, and of the Black River, and all other streams within the limits of the said city ; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said waters impure, unwholesome, or offensive ; to preserve and regulate the navigation of the said rivers within the limits of said city ; to prohibit or prevent the depositing or keeping therein any structure, booms, logs, rafts of logs, timber, lumber, or of timber and lumber, earth, or substances tending in any manner to obstruct or impair the navigation thereof, and to remove all obstructions that may at any time occur therein, and to direct and regulate the stationing and mooring of boats, vessels, and rafts, and laying out cargoes and ballasts from such boats and vessels, and to cause all rafts of logs, timber, lumber, or other obstructions to be removed at the expense of the owners thereof, and may cause such rafts of logs, lumber, timber, etc., to be seized and held, to be sold, or so much thereof as shall be sufficient to satisfy the costs of such removal, and the expenses of such sale, and the amount of any fine or penalty imposed by the ordinances or by-laws of said city for any such obstruction ; and for the purpose of carrying into effect the provisions of this section, the common council shall have power to declare Indian creek, in said city, a sewer, and make all needful regulations for the same ;

Regulation of ferries.

Sixth, To license, continue, and regulate so many ferries, from within said city to the opposite shore of the St. Clair River, as shall seem most conducive to the public good ;

Regulation of wharves.

Seventh, To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation ; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the St. Clair River, and into Black River, beyond a certain line to be established by the common council, and to prohibit the encumbering of all public wharves and docks with anything whatsoever ;

Wharves at street termini.

Eighth, To lease the wharves and wharfing privileges, at the ends of streets on the St. Clair and Black Rivers in said city, upon such terms and conditions, and under such covenants, and with such remedies, in case of non-performance, as the common council may direct ; but no buildings shall be erected thereon, no lease thereof shall be executed for a longer period than three years : and

there shall be a free passage at all times for all persons, with their baggage, over said public wharves ;

Ninth, To work and improve all highways, avenues, streets, lanes, alleys, and public spaces within said city ; to assess and levy upon all taxable property within said city, and expend such highway taxes as may be necessary therefor, and to elect whether the same shall be collected in money or labor, in such amount as the common council shall prescribe for each ward respectively : *Provided*, Such highway taxes shall not, in amount, exceed the rates now fixed by law ; and the same shall be assessed and levied and collected as other taxes ;

Highways and highway taxes.

Proviso.

Tenth, To make, grade, improve, and adorn the public parks, squares, spaces, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof ;

Care of parks, etc.

Eleventh, To establish, open, widen, extend, straighten, alter, vacate, and abolish highways, streets, avenues, lanes, alleys, and public grounds or spaces within said city, and to grade, pave, repair, and otherwise improve the highways, streets, avenues, lanes, alleys, interior public places created by the intersection of streets, crosswalks and sidewalks in said city, with stone, wood, brick, or other material ; and the common council shall have full power to provide for paying the costs and expenses thereof by assessment on the owner of the lot and premises in front of or adjacent to which such highways, streets, avenues, lanes, alleys, interior public places, crosswalks, or sidewalks may be directed to be graded, paved, repaired, or otherwise improved : *Provided*, That the costs of such

Opening and improvement of streets, etc.

Expenses chargeable upon property.

Proviso.

grading, paving, repairing, or improving such interior or public places shall be assessed to each block, in such proportion as the common council shall deem just and equitable : *Provided further*, That each block shall be assessed to the center of such interior or public places each way ; which assessment shall be a lien until paid, on each lot or premises in front of or adjacent to which such grading, paving, repairing, or improving may be directed, and shall be collected in the same manner as other assessments or taxes imposed by authority of the common council. Whenever such grading, paving, repairing, and improving shall be at the intersection of two or more avenues or streets, and in front of or adjacent [to] the point of a triangular block, and at the end of bridges, such portion of the costs and expenses shall be assessed to and paid by the city of Port Huron as the common council shall deem just. The common council shall have power to regulate the width of sidewalks, and the distance that ornamental or shade trees shall be set out in front of lots ;

Further proviso

When chargeable to city.

Sidewalks and shade trees.

Twelfth, To sell or otherwise provide for disposing of all dirt, filth, manure, and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys, and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same ;

Disposition of street offal.

Thirteenth, To clean the highways, streets, avenues, lanes, alleys, public grounds and squares, crosswalks and sidewalks in said city,

Cleaning streets, etc.

Obstructions.	of filth, mud, and other substances; to prohibit and prevent the encumbering thereof by any commodity or substance whatever, obstructing the free use of the same, and to remove the same therefrom; to prevent the exhibition of signs on canvass or otherwise in and upon any vehicle standing or traveling upon the streets of said city; to control, prescribe, and regulate the mode of constructing or suspending awnings, and the exhibition and suspension of signs thereon; to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto of snow, ice, boxes, and every species of incumbrance or obstruction thereon; to control, prescribe, and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds, and spaces within said city shall be used and enjoyed; to direct, regulate, and compel the planting, and provide for the preservation of ornamental trees therein; to provide for and regulate the lighting of the said city, and the erection of lamps and lamp-posts therein; to prohibit and prevent racing, and fast and dangerous driving and riding therein; to prohibit and prevent the flying of kites, and all practices, amusements, and doings therein having a tendency to frighten teams or horses, or dangerous to life or property; to remove, or cause to be removed, all walls or other structures that may be liable to fall therein or otherwise, so as to endanger life or property;
Signs and awnings.	
Cleaning sidewalks.	
Street regulations.	
Shade trees.	
Street lights.	
Racing, etc.	
Kites, etc.	
Unsafe structures.	
Riotous and boisterous conduct.	<i>Fourteenth</i> , To prohibit and prevent any riot, rout, disorderly noise, disturbance, or assemblage, or the crying of any goods in the streets or elsewhere in the city;
Dock regulations.	<i>Fifteenth</i> , To preserve quiet and order on the docks, and in the streets of said city, at the arrival and departure of railroad cars, steamboats, and other vessels, and prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels, public houses, or express companies, draymen, cabmen, hackmen, omnibus drivers, and solicitors for passengers or for baggage, with their drays, cabs, or other vehicles shall stand, and to prohibit and prevent them from entering or driving within any railroad depot, or upon any wharf or dock, or entering upon any steamboat or other vessel, to solicit passengers or for baggage;
Drivers, runners, hackmen, etc.	
Hack stands, etc.	<i>Sixteenth</i> , To prescribe places or stands in the streets of said city within which drays, carts, cabs, or other vehicles may stand and be kept for hire, and within which loads of hay, coal, wood, and other articles, may be kept and exhibited for sale, and to regulate such stands and places;
Fire works and fire arms.	<i>Seventeenth</i> , To prohibit and prevent the exhibition of fire-works, and the firing of any cannon or other arms which the common council may deem dangerous to life or property;
Paving, etc., by individuals.	<i>Eighteenth</i> , To permit any person to pave or plank the sidewalks in front of the premises owned and occupied by such person in said city, under the direction of the street commissioner, or some other officer of the corporation, and according to such regulations as the common council shall prescribe; and whenever any street shall have been graveled, planked, McAdamized, or paved, and the assessments for the costs and expenses thereof has been duly paid

to the corporation, such person shall not be assessed or compelled to pay any district, road, or highway taxes on the premises in front of which such pavement shall have been made, so long as he shall keep the same in repair to the satisfaction of the common council;

Nineteenth, To prohibit and prevent in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, painting [paintings] and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; Offenses against decency, etc.

Twentieth, To prohibit, prevent, or regulate the leading and driving and running at large of cattle, horses, or any other animals, and domestic fowls, in the streets or elsewhere in said city, and to impound the same when running at large, in one or more sufficient pounds, to be provided and maintained by the city, and sell the same to pay the costs of proceedings and any penalty thereby incurred, rendering the surplus, if any, to the owner; Cattle, fowls, etc., in streets.

Twenty-first, To prohibit and prevent, or regulate the running at large of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of the common council; to compel persons to fasten or secure their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets or other public places of said city; to prohibit and prevent persons from riding or driving upon or across the sidewalks of said city, and to impose a tax on dogs; Dogs.

Twenty-second, To establish, construct, maintain, and repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys, and public spaces of said city, such bridges, culverts, sewers, drains, and lateral drains and sewers, as the common council may see fit, with a view to the proper sewerage and drainage of said city; to compel the owners of all lots, premises, and subdivisions thereof within said city to construct private drains or sewers therefrom, to connect with some public drains or sewers; said private drains and sewers shall be constructed in such manner, and of such forms and dimensions, and under such regulations as the common council shall direct and prescribe; Bridges, drains, etc.
Private drains.

Twenty-third, To assess, levy, and collect the annual assessment or tax on all lots and subdivisions of lots, and on all cellars drained by private drains or sewers connected with any public sewer or drain, as hereinafter further provided; Compensation for private drainage.

Twenty-fourth, To survey, ascertain, establish, and change the boundaries of all highways, streets, avenues, lanes, alleys, public parks, squares, and spaces in said city; to prohibit and remove all encroachments on the same by buildings, fences, or in any other manner, and to number the buildings of the said city, if the common council shall so direct, the expense of such numbering to be assessed against and collected of the owner or occupant; To establish boundaries of highways, streets, etc.

Twenty-fifth, To provide for the drainage of any wet lands within said city, or within three miles therefrom, by the opening of ditches; but a jury of six disinterested freeholders of the county of St. Clair, before any such ditch shall be opened, shall ascertain Drainage of wet lands.
Jury to ascertain the necessity, etc., of opening drains.

- that the opening thereof be necessary or proper; also whether the benefits that shall accrue to the owner or owners of any lands from the opening of the ditch will or will not be equal to the damage he or they will sustain thereby; if such benefits are exceeded by the damages, they shall ascertain and certify the damages to which such owner or owners are entitled, after deducting therefrom the amount of benefit their lands will receive from the opening of said ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams, and implements to cut and open said ditch, to protect, clear, and scour it from time to time, so as to preserve its original dimensions, and to prevent and prohibit all obstructions thereof or injury thereto;
- Payment of damages.**
- Markets.** *Twenty-sixth,* To erect and maintain market houses, establish markets, market places, to lease market stalls, booths, and stands, to provide fully for the good government or regulation thereof, and to prohibit, and prevent, and punish forestalling and regrating;
- Health.** *Twenty-seventh,* To provide for the general preservation of health of the inhabitants of said city, to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases generally; and if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties;
- Nuisances.** *Twenty-eighth,* To prevent, prohibit, abate, and remove all nuisances in said city, or within the distance therefrom of half a mile, and to punish the authors or maintainers thereof, and to authorize and direct their speedy abatement or removal by some officer of said city. If in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level, or drain any lot or premises, they shall have power so to do; to assess the costs and expenses of such filling or draining, and impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon till paid, and shall be collected in the same manner as other assessments levied and imposed by the authority of the common council;
- Expenses chargeable upon premises.** *Twenty-ninth,* To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, candle, starch, or glue factory, tannery, butcher's shop or stall, slaughter house, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse or abate the same, whenever necessary for the health, comfort or convenience of the inhabitants of said city;
- Offensive trades, etc.** *Thirtieth,* To prohibit and prevent any person from bringing, depositing, or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises, owned or occupied by him in said city, any dead carcass, putrid or unsound meat, hides, skins, and any article, substance, or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing, or leaving the same within the limits of said city, or one mile distant therefrom, or having or keeping the same on the premises owned or occupied by him in said city, to remove the same;
- Dead animals, etc.**

Thirty-first, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies, to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some officer of the corporation, and assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council; to direct and regulate the construction of all sewers or drains within said city, deemed by them to be necessary, and to assess the cost and expenses of constructing the same upon the lands, lots, blocks, and premises benefited by the construction thereof, or to cause the same to be constructed at the expense of the city at large, as they shall deem just, or to cause the same to be constructed at the joint expense of the city and the lands, lots and premises benefited, in such proportion as they shall deem just, and shall by resolution declare; and when any such assessment, or any part thereof, is so made upon any lands, lots, and premises, the same shall be a lien on such lots or premises until paid. Before any such assessment shall be made on lands, lots, or premises benefited, the council shall by resolution declare what lands, lots, and premises will be benefited by the construction of the proposed sewer or drain, which said lands, lots, and premises, so designated in such resolution, shall constitute an assessment district for the purpose of assessing the cost and expense of the construction of such sewer or drain, or for such portion thereof, as the council shall determine, and they shall also determine what part of such cost and expense, if any, shall be borne by the said city. The resolution, so made by the common council, shall be published for at least two weeks in at least two newspapers published and circulating in said city, one of which shall be the official paper thereof, which said publication shall be deemed sufficient notice to the owner or occupant of the lands, lots and premises mentioned in said resolution, of the assessment for such sewer or drain. At the time of the passage of the resolution specifying the assessment district, or as soon thereafter as may be, the said common council shall cause an assessment roll to be prepared for such assessment district, which roll shall contain the whole number of superficial feet contained in the lots, lands, and premises comprising said district; the description of each lot or subdivision of land within said district, with the number of superficial feet in such lot or subdivision of land; the name of the owner or occupant of each lot or subdivision, if known; the whole amount of tax to be raised upon said assessment district, and the amount assessed against each of said lots or subdivisions, which assessment shall be in proportion to the number of superficial feet in such lots or subdivisions. The said assessment roll shall be filed with the clerk of said city, who shall endorse thereon the time of receiving the same, and shall remain on file with the clerk for the space of at least two weeks, at the end of which time, and upon filing with said clerk proof by affidavit of the due publication of the said resolution,

Foul cellars and other premises.

Construction of sewers.

Assessment for construction.

When assessment a lien upon property.

the same shall be a valid lien and assessment upon and against the said several lots and subdivisions mentioned in the said roll, and shall be collected in the same manner as other assessments made by the common council ;

Fire department.

Thirty-second, To establish a fire department, to provide for the extinguishment of fires, and to establish, organize, and regulate fire companies in the manner prescribed in this act ;

Explosives.

Thirty-third, To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of the buildings for storing powder, powder-factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene, and dangerous or easily inflammable or explosive substances, slaughter-houses and yards, butchering-shops, soap, candle, starch, and glue-factories, established for steaming or rendering lard, tallow, offal, or such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on, and such buildings, shops, factories, and establishments as aforesaid, now or hereafter to be constructed in said city, whether within or without the limits to be determined as aforesaid, together with blacksmith-shops, founderies, copper-shops, steam-boiler factories, carpenter-shops, planing establishments, usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in regard to construction and management as the common council may make, with a view to the protection of any property from injury by fire, or to the health or safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances ;

Slaughter-houses, offensive trades, etc.

Extra hazardous buildings and shops.

Powder, etc.

Thirty-fourth, To regulate the keeping and conveyance of powder and other combustible or dangerous articles, and the use and kind of lights and lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra-hazardous in respect to fire ;

Fire limits.

Thirty-fifth, To prohibit and prevent the location or construction of any frame or wooden house, store, or shop on such streets, alleys, or places, or within such limits in said city as the common council shall designate and prescribe from time to time ; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on such streets, alleys, and places, or within said limits, and the rebuilding and repairing of the same ; to prevent the rebuilding and repairing of wooden buildings on such streets, alleys, and places, or within said limits, when damaged by fire or otherwise, and the general supervision over the construction of all buildings within the said city, so far as the safety of all contiguous property is concerned, for the prevention of fires ;

Precautions against fires.

Thirty-sixth, To regulate the construction of partition fences, and [of] partition and parapet walls, the thickness of walls and the size of brick ; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires ; to prohibit and prevent the burning out of chimneys and chimney flues ; to compel and

regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash-houses or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of a fire all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom;

Thirty-seventh, To prohibit and prevent or to regulate bathing Bathing. in any place, or in any of the waters in and adjoining said city; determine the times and places thereof; and to prohibit and prevent any obscene or indecent exhibition, exposure, or conduct thereat;

Thirty-eighth, To prohibit, prevent, and suppress the keeping of Disorderly houses and persons. houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries; to restrain and suppress and punish the keepers thereof; to punish, restrain, and prevent common prostitutes, vagrants, mendicants, street beggars, drunken, and disorderly persons; to prohibit and prevent and suppress Mock auctions. mock auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

Thirty-ninth, To prohibit, prevent, and suppress the sale of every Unwholesome food. kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions, and impure or spurious wines and spirituous liquors, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale;

Fortieth, To prohibit, restrain, or prevent persons from gaming Gaming. for money with cards, dice, billiards, nine or ten-pin alleys, tables, ball-alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, in any grocery, store, shop or other place in said city, to punish the persons keeping the buildings, instruments, or means for such gaming, and compel the destruction of the same;

Forty-first, To prohibit, prevent, and suppress all lotteries for Lotteries. the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, direction, or managing the same;

Forty-second, To prohibit or prevent persons from selling or giving Liquors, etc. away ardent spirits, or other intoxicating liquors, to any child, apprentice, or servant, without the consent of his parent, guardian, master, or mistress; to license and regulate the selling or giving away of any ardent spirits or other intoxicating liquors by any shop-keeper, trader, grocer, inn, hotel, or tavern keeper, keeper of

- any ordinary, saloon, recess, victualing, or other house, or by any other person, in case the selling or giving away of ardent spirits and other intoxicating liquors, and licensing the sale thereof, shall hereafter be authorized by the laws of this State ;
- Licensing of runners, etc.** *Forty-third,* To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation ;
- Auctioneers, hawkers, and peddlers.** *Forty-fourth,* To license and regulate auctioneers, hawkers, peddlers, and pawnbrokers, and regulate auctions, peddling, and pawn-brokerage, license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets ;
- Shows, etc.** *Forty-fifth,* To prohibit and prevent, license and regulate, the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind ;
- Licensing of public houses.** *Forty-sixth,* To license and regulate the keepers of hotels and other public houses, grocers, and keepers of ordinaries, saloons, and victualing and other houses, or places for furnishing meals, food, or drink ;
- Butchers and hucksters.** *Forty-seventh,* To license and regulate butchers, to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths, or stands at markets, or any other place in said city for the sale of any kind of meat, fish, poultry, vegetable food or provisions ;
- Billiard tables, etc.** *Forty-eighth,* To license and regulate keepers of billiard tables, pin alleys, nine or ten-pin alleys, but not for the purpose of gaming ;
- Bath-houses.** *Forty-ninth,* To license and regulate public bath-houses or bath-rooms on land, and any public floating bath-house, bath-rooms or vessels on the St. Clair or Black rivers ;
- Police and policemen.** *Fiftieth,* To establish and regulate an efficient system of police for the good government of said city; to appoint, on the recommendation of the mayor or acting mayor, policemen and watchmen, who shall possess and exercise the same powers as conservators of the peace which township constables under the general laws of this State possess, and to prescribe and regulate their further powers and duties, and fix their compensation. Said policemen and watchmen may be removed at any time by the common council, on the recommendation of the mayor or acting mayor ;
- Inspectors, gaugers, etc.** *Fifty-first,* To appoint one or more inspectors, measurers, weighers, gaugers of articles to be inspected by measure, weight, or gauge; to prescribe and regulate their powers and duties, fees and compensation ;

Fifty-second, To direct and regulate the weight and quantity of bread, the size of the loaf, and the inspecting thereof; Weight of bread.

Fifty-third, To direct and regulate the inspecting and measuring of wood, lumber, shingles, posts, stone, heading, and all building materials; the inspecting, measuring, and weighing of coke and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables, fresh, dried, smoked, salt, pickled, and other meat or fish, poultry, butter, lard, and other food or provisions to be sold wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food, or provisions, and salt to be sold in barrels, half-barrels, casks, hogsheads, boxes, or other packages; and the inspecting and gauging of wines, whisky, and other spirituous liquors to be sold at wholesale or retail, or in kegs, half-barrels, barrels, casks, hogsheads, puncheons, pipes, or other vessels: *Provided,* That nothing herein contained shall be construed to authorize the inspecting, measuring, weighing, or gauging of any article herein enumerated, which is to be transported beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same; Inspection of fuel, provisions, and liquors.

Fifty-fourth, To regulate the weights and measures to be used in said city, and compel every merchant, retailer, trader, and dealer in merchandise, groceries, provisions, or property of any description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of this State; Weights and measures.

Fifty-fifth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels or in any other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Fifty-sixth, To provide for the burial of strangers and poor deceased persons; to regulate the burial of the dead, and the registration of births and deaths, and to order and compel the keeping and returning of bills of mortality by physicians, sextons, and others; Burials, births, deaths, etc.

Fifty-seventh, To provide for taking a census of the said city whenever the common council may see fit, and to direct and regulate the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place of meeting, and to regulate the ringing of bells; Census.
Public meetings.
Bells.

Fifty-eighth, To provide for the erection of, and to erect a city hall, and all needful buildings and offices for the use of the corporation and its officers, and to control and regulate the same; City hall.

Fifty-ninth, To establish and build a jail and house of correction for the confinement of offenders; to erect and provide for erecting the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office and the filling of vacancies; Jail and house of correction.

Power to imprison.

Jurisdiction of courts.

Certain expenses, how paid.

Speed of cars.

Licenses.

Record of, and fees.

Duration of.

Bond.

Sureties to testify.

Power of taxation.

Sixtieth, To imprison and confine in said jail and house of correction, at hard labor or otherwise, all persons liable to be imprisoned or confined under this act, or any ordinance of the common council, or lawfully committed thereto by any court or magistrate, as herein provided. Any court or magistrate in the city of Port Huron, or in the county of St. Clair, may commit to any jail or house of correction in said city, instead of the jail of St. Clair county, any person convicted of an offense against the general laws of this State, now or hereafter punishable by imprisonment in the jail of St. Clair county. Any court of competent jurisdiction of the State of Michigan, may, in its discretion, commit any male under sixteen, or female under fourteen years of age, to the house of correction of said city, instead of the reform school at Lansing, who shall be convicted of any crime now or hereafter punishable by imprisonment in the State prison, whenever in the opinion of the court the welfare of the public and of the convict will be promoted thereby. All expenses attending the confinement of any person sentenced to be committed to the jail or any house of correction of said city, for any offense against the general laws of this State, now or hereafter punishable by imprisonment in the State prison, shall be paid by the State treasurer quarter-yearly, on the certificate of the city clerk that such expenses have been incurred. All expenses attending the confinement of any person sentenced to be committed to the jail or to such house of correction of said city, for any offense against the general laws of the State, now or hereafter not punishable by imprisonment in the State prison, shall be paid quarter-yearly by the treasurer of the county in which the offender was tried and convicted, upon the certificate of the city clerk that such expenses have been incurred; and to prescribe and regulate the speed of cars and engines on railroads within the limits of said city;

Sixty-first, To authorize the mayor to grant, issue, and revoke the licenses, in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation, in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The mayor may inquire into the sufficiency of the sureties in such bond, by an examination under oath as to their property and responsibility, which oath may be administered by him. The deposition of the surety shall be reduced to writing, be signed by him, certified by the mayor, annexed to and filed with the bond to which it relates, in the office of the clerk of the city;

Sixty-second, To assess, levy, and collect taxes for the purposes of the corporation, upon all property made taxable by law for

State purposes, which taxes shall be liens upon the property taxed till paid; to make regulations for assessing, levying, and collecting the same, and to lease the property taxed to pay the taxes thereon for a term not exceeding twenty-five years, and with such terms and time for redemption as the common council of said city may by public ordinance prescribe;

Sixty-third, To appropriate money, provide for the expenses of Appropriations. the said city, and make regulations concerning the same;

Sixty-fourth, The common council shall have power, from time to time, to borrow such sums of money as they may deem necessary, for the erection of any public buildings as heretofore mentioned in this act, and for completing and finishing the same, and for other city improvements and payments for lands; and they may issue and dispose of the bonds of the city for any amount so borrowed, upon such sums, and at such rate of interest as they may deem advisable, and for a time not exceeding twenty years from the date thereof, under such regulations as the common council may see fit to adopt; and such common council may sell the bonds of said city, either within or without this State, at such rates and prices as they may deem proper. And whenever any plank-road company, incorporated under the general laws of this State, shall be organized for the purpose of constructing a plank road, one terminus of which plank road shall be in the city of Port Huron, said common council shall have power, subject to the restrictions hereinafterwards contained, to take stock for said city in the capital stock of said plank-road corporation, and may issue the corporate bonds of said city to the amount of such subscription, and dispose of said bonds to the best advantage of said city, for a time not exceeding twenty years; but before any bonds shall issue, the resolution of the common council authorizing the same shall be submitted to a vote of the qualified electors of said city, at the annual or at some special election to be called for that purpose, for their approval or disapproval; at said election a ballot-box shall be provided and kept by the several boards of inspectors thereof, for each ward, for receiving the votes for or against said loan; and on the ballot shall be written or printed, "For the issuing the bonds—Yes;" or, "For the issuing the bonds—No;" and the canvass of the votes cast for or against said loan, and the returns thereof, shall be made by the proper canvassing officers within the same time, and in the same manner, as hereinbefore provided for the canvass and the return of the votes cast at the annual election, and the result shall be declared in the same manner; and if it shall appear that a majority of the votes cast at such election have thereon, "For the issuing of the bonds—Yes," said bonds shall issue, and be negotiated as aforesaid; and if it shall appear that the [a] majority of the votes cast at such election have thereon, "For the issuing of the bonds—No," such bonds shall not issue, and the resolution of the common council authorizing the same shall have no effect: *Provided, however,* That the whole amount of such bonds shall not at any time exceed the sum of fifty thousand dollars;

Borrowing money for public buildings.

Bonds may be issued.

Stock in plank road.

Bonds may be issued for same.

Electors to vote on.

Proviso—limitation.

Sixty-fifth, To punish all offenses and offenders for a violation

Power to punish offenders.

of, or offenses against, this act, or any ordinance of the common council enacted under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines, penalties, forfeitures, and costs, and by imprisonment in the jail of St. Clair county, any jail, workhouse, house of correction, or alms-house of said city, or either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine, penalty, or forfeiture be imposed, together with the costs, the offender may be sentenced to be imprisoned until the payment thereof, or for a term not exceeding six months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed one thousand dollars, no fine shall exceed five hundred dollars, and no imprisonment shall exceed the period of two years;

Offenders may be employed on streets, etc.

Sixty-sixth, To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in the jail of St. Clair county, or any jail, work-house, or house of correction of said city, at work or labor either within or without the same, or upon the streets or other public works of said city, under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, or forfeiture, or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor; and also to provide sufficient and necessary means for the protection of such prisoners while they are at such work, under the supervision or authority of the common council;

Printing.

Sixty-seventh, To provide for the printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as said common council may prescribe.

Maintaining order.

Sixty-eighth, To provide for maintaining the peace and good order and government of the city of Port Huron, and the common council shall have power to subdivide the city of Port Huron into wards, and when so subdivided the same officers shall be elected or appointed in such wards as are by this act elected or appointed;

Division into wards.

Power to purchase and sell real estate.

Sixty-ninth, The common council shall have power to purchase and sell real estate for the use of said corporation, for corporate purposes, and to execute mortgages on the same, for any balance which may remain unpaid on the purchase money paid for such real estate; they shall also have power to purchase and control land for cemetery purposes or parks, either within or without the corporation limits of said city;

Erection of bridges.

Seventieth, To provide for the erection of one or more bridges across the Black River, in said city;

Power to vacate and re-assess taxes.

Seventy-first, To vacate any assessment or tax assessed in said city whenever it shall appear that the same has been illegally or irregularly assessed, and to direct and cause any moneys collected on account of such illegal or irregular assessment or tax to

be refunded, and to fix upon an amount to be received in full of any such tax or assessment, and no such action on the part of the council shall in any way affect or invalidate any other tax or assessment assessed, levied, or collected in said city: *Provided*, Proviso. That no such tax or assessment shall be vacated or remitted unless by vote of two-thirds of the members elect of said common council. In all cases where any assessment for the cost and expense of any public improvement shall be vacated on account of the same being illegal or irregular, the common council shall have power to re-assess such cost and expense in the same manner as though such irregular or illegal assessment had not been made; and any such re-assessment, when made, shall constitute a lien upon the premises assessed, in the same manner, and to the same extent, as though regular and legal in the first instance.

CHAPTER VII.

SECTION 1. All the duties and powers by said act of incorporation and acts amendatory thereof conferred upon the recorder's court of said city, and not herein otherwise provided for, may and shall be executed and performed by the circuit court for the county of St. Clair, and the circuit judge of said county shall have all the powers and authority in said act conferred upon the recorder, except in cases where jurisdiction or authority is given to justices of the peace. Jurisdiction of circuit court.

SEC. 2. The office of recorder and the office of clerk of the recorder's court are hereby abolished. Offices of recorder and clerk abolished.

SEC. 3. Any matter of complaint or prosecution for any violation of the ordinances, rules, or regulations of said city, heretofore triable, or required to be tried or heard before said recorder, or in the said recorder's court, may be heard, tried, and determined before any justice of the peace of said city, and in case trial by jury shall be demanded, in any case where any jury could have been demanded in the recorder's court, such jury shall be empaneled and sworn, and all proceedings had in the same manner as in criminal matters cognizable before justices of the peace, under the general laws of this State. Justices to have jurisdiction.

SEC. 4. All appeals from judgments in such cases shall be made to the circuit court for St. Clair county, and in the same manner as in other criminal cases, triable before justices of the peace. Appeals.

SEC. 5. All proceedings before any such justice of the peace for any offenses against or violation of any of the ordinances, rules, or regulations of said city, or the common council thereof, or to impose any penalty imposed thereby, shall be in the name of "The People of the State of Michigan," and may be commenced by complaint in same manner as in criminal cases now by law cognizable by justices of the peace, and the proceedings thereon shall be the same as in criminal cases triable by justices of the peace. Process and form of action.

SEC. 6. It shall be the duty of the city attorney to appear and prosecute all complaints before justices of the peace for violations of the ordinances, rules, and regulations of said city or the common council, and if any such cause shall be appealed to the circuit Duty of city attorney.

- court for St. Clair county, it shall be his duty to appear in such court and prosecute the same.
- City liable for costs.** SEC. 7. The city of Port Huron shall be liable for all costs and expenses incurred in the prosecution of any offense against or violation of any of its rules, regulations, or ordinances, or of ordinances or regulations of the common council, or in any prosecution to recover any penalty imposed by any such ordinances, rules, or regulations.
- Fees of officers.** SEC. 8. Justices of the peace shall receive the same fees for services in such cases as they now receive in criminal cases triable before them, and the marshal and deputies shall receive the same fees as for like services in criminal cases.
- Trial by justice.** SEC. 9. In all such cases the person or persons on trial shall be tried by a justice of the peace, unless he or they shall request to be tried by a jury.
- Duty of marshal and deputies.** SEC. 10. It shall be the duty of the marshal and his deputies to execute all writs, process, and warrants issued by the several justices of the peace in such cases, and to attend the courts held thereby in such cases.
- Justices to report to council.** SEC. 11. Each justice before whom any such cause or causes shall have been tried or heard, shall, on or before the first Monday of May in each and every year, and at such other times as the council shall require, make to the common council a report, in writing, duly verified by him, showing the whole number of prosecutions before him on account of violations of, or offenses against any of the ordinances, rules, or regulations of the said city, or the common council, classifying them by the names or description of the offenses, the whole number of acquittals, convictions, and cases pending; the whole number punished by fines and penalties, with the amount of fine imposed, and amount collected in each case; the whole number punished by imprisonment and confinement, classified according to the place of confinement, and the whole number held to good behavior, and to keep the peace; and shall, at the time of making said report, deliver to said common council the moneys received by him in payment of fines imposed in such cases; which said report shall be published at least once in two of the city papers.

CHAPTER X.

- School inspectors.** SECTION 2. There shall be elected by the common council, at its first regular meeting in May, or at such time as said meeting shall be adjourned to, in addition to those now in office, a sufficient number of school inspectors to make the whole number two for each ward, to be distributed equally, whose terms of office shall be so arranged that three of the whole number shall go out of office each year; and annually thereafter said council shall elect three school inspectors, who shall hold their office for the term of four years, and until their successors are elected and qualified; but in no case shall a school inspector be a member of the common council.
- Inspectors not to be members of council.**

CHAPTER XI.

OPENING, ALTERING, AND CLOSING STREETS.

SECTION 1. The common council of the city of Port Huron shall have full power to lay out, establish, extend, widen, straighten, alter, close, vacate, or abolish, any highway, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor, but the necessity for taking and using such property, the just compensation to be made for the same, and the damages arising to any person from the making of said improvement shall be ascertained by a jury of twelve disinterested freeholders residing in said city.

Power to open streets.

Jury to determine necessity, etc.

SEC. 2. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, and in said resolution shall describe the contemplated improvement, and if they intend to take private property therefor, they shall declare such intention and describe such property in said resolution with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution apply to the circuit court for the county of St. Clair for the drawing of a jury, to ascertain and decide as to the necessity for taking and using the property so described, and to ascertain the just damages or compensation which any person may be entitled to, if such intended improvement be made; and to apportion and assess such damages and compensation to and upon all lots, lands, premises, and subdivisions thereof, which will be benefited by such improvement, unless the council shall declare their intention to make the proposed improvement at the expense of the city at large; the time of making such application to said court shall be on a day subsequent to the required publication of such notice or resolution.

Resolution of council.

Application for jury.

SEC. 3. The common council shall give notice of the intended improvement, and of their intended application to said court, by causing a copy of said resolution, certified by the clerk of the city, to be published for four successive weeks in the official newspaper for the city, and one other newspaper published in said city, and the marshal shall also give notice of said resolution by delivering a notice thereof, with a copy of the same annexed, to the owner or owners or agent of any private property intended to be taken, if they can be found in said city, which notice shall be directed to them, or if they cannot be found, by leaving the same at their place of residence in said city, with some person of proper age. If they or their place of residence cannot be found, and such property be occupied, said notice and copy of such resolution shall be served by delivering the same to the occupant or occupants, or by leaving the same at their place of residence within said city with some person of proper age; but if the owner or owners or agents of such property, or their place of residence cannot be found, and it be not occupied, but they, their place of residence, and that of the occupant or occupants cannot be found, or if the owner or owners,

Notice to be published.

Notice to be served.

occupant or occupants, be unknown, or non-residents of said city, then in either of such cases notice of such resolution may be given by posting the copy of said resolution in some conspicuous place upon the property intended to be taken. The marshal shall give notice of said resolution as above directed, and make return of his doings, of his manner of giving said notice, as soon as practicable after the passage thereof, which return shall be made to said court, at least six days before the day appointed in said resolution for hearing of said application, and all persons interested therein, after notice given in the manner aforesaid, shall take notice of, and be bound by, all subsequent proceedings without any further notice, except as herein otherwise provided.

Marshal to make return.

Drawing of jury. SEC. 5. Upon the day designated in said resolution, or some other day to be appointed by the court, and on filing a copy of said resolution and an affidavit showing the required publication thereof, the marshal shall attend the court and write down the names of twenty-four disinterested freeholders residing in said city, and who shall be approved by the court as such disinterested freeholders and residents, and as qualified to serve. And in case the said proposed improvement be the laying out, altering, extending, widening, or opening an alley, no person residing or owning real estate within the block or blocks through which it is proposed to make such improvement, shall be deemed a competent juror.

Competency of jurors.

View by jury. SEC. 10. The jury shall then go to the place of the intended improvement, under the charge of the marshal, and upon, or as near as practicable, to any property intended to be taken and described in said resolution, or that will be damaged or benefited by the proposed improvement.

Determination and award.

SEC. 11. Said jury shall then ascertain as to the necessity for taking and using the said property described in the said resolution for such improvement, and if they shall find that such taking and using of said property, or any part thereof, is necessary, they shall next determine the damages or compensation to be paid to the owner or owners of any property intended to be taken for such improvement, or that may be damaged thereby, and award to the owner or owners thereof such damages or compensation as they shall find to be just. If such property shall be subject to a valid mortgage, lease, and agreement, or to either, and such facts shall be made to appear to the jury, then said jury shall apportion and award to the owners of said property, the parties in interest to such mortgage, lease, and agreement, or either of them, such portions of the damages and compensation as they shall deem just, and in all cases where any such damages shall be awarded, except for the laying out, establishing, opening, widening, altering, or vacating any alley or alleys, such damages shall be payable out of the city treasury, and the means therefor shall be raised from time to time as may be necessary with the general city taxes.

When property subject to mortgage.

When damages payable from city treasury.

Alleys—assessing damages and benefits.

SEC. 12. In case of laying out, establishing, opening, widening, altering, extending, or vacating an alley or alleys, the jury shall then further proceed to apportion the total damage and compensation to be paid for the proposed improvement among the lots, lands,

premises, or subdivisions thereof, within the block in which the alley in question is situated, and which will be benefited by the proposed improvement, apportioning and assessing the same upon the said lots, lands, premises, and subdivisions thereof, as near as may be, in proportion as the same will be benefited by said improvement. The benefits assessed under this section shall, when collected, be paid into the city treasury, and by the treasurer placed to the credit of the contingent fund, and all damages awarded by the jury shall be paid out of said contingent fund.

SEC. 13. Said jury, after completing the aforesaid duties, shall then make in writing and each shall sign a report to said court of their doings, enclose the same in a sealed envelope, and file it in the office of the clerk of said court within such number of days as the court shall direct. Report of jury.

SEC. 15. Said jury shall also, in the case provided by section twelve, state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises, or subdivision thereof which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same. Report, what to show.

SEC. 16. The report of the jury may be confirmed by said court at any term thereof, and upon the same being filed, or as soon thereafter as practicable, the court shall appoint some day when the said report will be considered, as well as all objections against the confirmation thereof on the part of all persons interested therein. The city attorney shall give notice of the time when such report and objections will be considered, by publishing the same in the official newspaper of said city, and in one other newspaper published in said city, for at least one week, and shall file in said court an affidavit of such publication at or before the time appointed for considering said report. Said objections shall be filed with the clerk of said court in writing, but may be argued by the party interested or his counsel, and the consideration of said report and objections may be adjourned, from time to time, until said report be confirmed or otherwise disposed of as herein provided. Confirmation of report. Notice of hearing to be given. Objections to be filed.

SEC. 18. If no objections be filed, said report shall be confirmed; but if objections be filed, said court, after considering the same, shall, in its discretion, confirm or annul said report, or may refer it back to the same jury, for the purpose of reviewing all matters, and correcting all errors therein contained, and making any alteration thereof which said court may direct, or said jury may deem just and necessary; and thereon said jury shall review, correct, or alter said report in manner aforesaid, and shall return and file the same with the clerk of said court within such time as the court shall direct, and thereupon said court shall confirm or annul said report. Court may confirm or annul report. Reference back to jury. Review and correction of report.

SEC. 19. If said report be annulled, or the jury cannot agree, or from death, sickness, or other cause shall fail to make a report within the time ordered by the court, or such further time as the Subsequent jury.

court may allow for that purpose, the court may, on the application of the city attorney, designate some day in term when another jury may be had; and such jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury. The same proceedings after they are sworn shall be had by them, and by and in said court, as provided for above after the first jury is sworn.

Appeal to
supreme court.

SEC. 21. Any person to whom damages and compensation may be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the said circuit court confirming the report of the jury to the supreme court, by filing with the clerk of said court a notice of such appeal and specification of the errors complained of, within five days after the confirmation, and serving, within the same time, a copy of said notice and specification of errors upon the city attorney, and filing a bond in said court, to be approved by the clerk, conditioned for the prosecution of the said appeal, and the payment of all costs that may be awarded against the appellant, in case the judgment of confirmation of the said circuit court be affirmed.

Notice of appeal,
service and
bond.

Duty of clerk.

SEC. 22. In case of appeal as above, it shall be the duty of the clerk of said circuit court forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case, which may be filed in the office of any clerk of said court.

Court to hear
appeal.

SEC. 23. The supreme court, at any term thereof, shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of said court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal, and the proceedings thereon to be taxed. And all costs and expenses awarded to the city of Port Huron, in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant and appellants.

Costs, etc.

Correction of
errors.

SEC. 24. If there be a reversal for any errors which it is practicable for the said court or jury to correct, with due regard to the public interests and rights of individuals, the proceedings shall be remanded to said circuit court, with direction that such error be corrected. Said circuit court, at any term thereof (or as the case may be), said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be affirmed by said circuit court, without any further right of appeal.

Power of council
in case of annul-
ment or reversal.

SEC. 25. In every case of annulment of the report of the jury by the circuit court, or reversal by the supreme court, the common council, in behalf of said city, may, by resolution, elect to pay the damages and compensation claimed by, or the assessment made

upon the property of the objector, appellant, or appellants. On filing a certified copy of said resolution in the circuit court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by the circuit court, as to all persons interested therein except the objector, appellant, or appellants, and without further right of appeal. If the common council do not elect, as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in case of a reversal, where the proceedings may have been remanded to the circuit court for the correction of errors; in which case such errors shall be corrected, and the report of the jury confirmed as above provided.

SEC. 26. If the report of the jury be confirmed by the circuit court in any case above provided for, or if judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein, and the damages and compensation apportioned to and assessed upon any lot of land, premises, or subdivision thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

When report and confirmation to be final.

SEC. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the circuit court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the circuit court, and of the order of the court confirming the same, and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same at length in a book to be provided, used, and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the circuit court, shall, in all courts and places, be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings, from the commencement thereof to the order of the court confirming the report of the jury.

Certified copy of judgment to be filed and recorded.

Copy to be evidence.

SEC. 31. In all cases where any real estate subject to any lease or agreement shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine, and be discharged upon the final confirmation of the report of the jury, or upon the affirmation by the supreme court of the judgment of confirmation, and upon tender or payment of the amount awarded. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine, and be discharged only as to such part; and the circuit court, upon the application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city commissioners, to determine the rents and payments to be thereafter paid, and the covenants, stipulations, or conditions thereafter to be performed under such lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties,

Real estate subject to lease.

which oath shall be filed in said court. Said three commissioners shall make and sign a report, in writing, of their doings, to said court, which shall be filed therein within thirty days after their appointment; and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement.

Compensation
of jurors.

Council may dis-
continue pro-
ceedings.

SEC. 32. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in such circuit court, at any time before the final confirmation of the report of the jury; and after the final confirmation of the report of the jury, the common council shall, by a majority vote of the aldermen elect, decide whether they will pay the same or not; and if they decide not to pay the same, all further proceedings shall be abandoned, but said council shall pay all costs which have accrued to such time.

CHAPTER XIV.

Jurisdiction of
justices.

SEC. 17. The justices of the peace in the said city shall be deemed justices of the peace of the county of St. Clair, and shall be subject to the general laws of the State in relation to civil and criminal causes before justices of the peace; and shall also have and possess jurisdiction and power to hear, try, and determine prosecutions for offenses against or violations of the ordinances, rules, or regulations of said city, or of the common council thereof.

Idem.

SEC. 18. The justices of the peace of said city, in the case of prosecution for any violation of the ordinances or rules of said city or the common council, shall have full power and authority to impose any fine, imprisonment, or penalty provided for in such rule, regulation, or ordinance, and to execute the same in like manner as in criminal cases cognizable by justices of the peace by the general laws of this State.

SEC. 2. This act shall take immediate effect.

Approved April 27, 1875.

[No. 365.]

AN ACT to re-incorporate the village of Sturgis.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That all those tracts or parcels of land known and described as follows: Section one, and north half of section twelve in township eight south, of range ten west, be and the same is hereby re-incorporated as a village by the name of the village of Sturgis.*

Re-incorpora-
tion.

By-laws, etc.,
continued in
force.

SEC. 2. All the by-laws and ordinances of said village are continued in force until the same be changed in accordance with law.

Officers contin-
ued in office.

SEC. 3. The present officers of said village shall continue in office until their successors shall be elected and qualified in accordance with the provisions of this act and the general law relating thereto.

SEC. 4. The time and place of holding the first election under this act shall be fixed by the present board of trustees of said village, but such time shall not be more than one year after this act shall take effect as provided by law, and all the provisions of law relating to the village elections shall be applicable to such election, except as herein otherwise provided. Time of first election.

SEC. 5. The said village of Sturgis is hereby made subject to the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the said village hereby re-incorporated shall possess all the rights and powers, and be subject to all the duties and liabilities, prescribed in said last named act. Subject to general law.

SEC. 6. This act shall take immediate effect.

Approved April 27, 1875.

[No. 366.]

AN ACT to detach certain territory from the present township of Gladwin, in the county of Gladwin, and organize the same into a separate township to be known as the township of Billings.

SECTION 1. *The People of the State of Michigan enact*, That townships seventeen north, of range one and two east, and seventeen north, of one west, in the county of Gladwin, be and the same is hereby set off from the township of Gladwin, and organized into a separate township to be known as the township of Billings. Township organized.

SEC. 2. The first annual meeting of said township of Billings shall be held on the first Monday of May next, at the house of James Dow, and Samuel Wilkinson, Benjamin Wilber, and James Dow are hereby made and constituted a board of inspectors of said township election. First election.

SEC. 3. If for any reason the township meeting, provided for in the last preceding section, shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors or a majority of them. Contingent provision.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election, in place of such inspectors who shall neglect or be unable to attend said board. Inspectors may be chosen.

SEC. 5. This act shall take immediate effect.

Approved, April 27, 1875.

[No. 367.]

AN ACT to amend an act entitled "An act to incorporate the city of Wyandotte," being act number two hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven, approved March five, eighteen hundred and sixty-seven, as amended by act number three hundred and thirty, of the session laws of eighteen hundred and sixty-nine, approved March twenty-two, eighteen hundred and sixty-nine, as amended by act number two hundred and forty-six of the session laws of eighteen hundred and seventy-three, approved April four, eighteen hundred and seventy-three, being sections four, thirty-six, thirty-nine, forty-nine, fifty-two, eighty-five, and eighty-six, and to add one new section to stand as section nineteen, and to repeal section two of an act entitled "An act to incorporate the city of Wyandotte," being act number two hundred and ninety-seven of the session laws of eighteen hundred and sixty seven, approved March five, eighteen hundred and sixty-seven.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections four, thirty-six, thirty-nine, forty-nine, fifty-two, eighty-five, and eighty-six of act number two hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Wyandotte," approved March five, eighteen hundred and sixty-seven, as amended by act number three hundred and thirty, of the session laws of eighteen hundred and sixty-nine, approved March twenty-two, eighteen hundred and sixty-nine, as amended by act number two hundred and forty-six of the session laws of eighteen hundred and seventy-three, approved April four, eighteen hundred and seventy-three, be and the same are hereby amended so as to read as follows:

Officers of the
city.

SEC. 4. The officers of said city shall be one mayor, one recorder, who shall be *ex-officio* school inspector, one treasurer, who shall be *ex-officio* collector, one marshal, two school inspectors, one director of the poor, one city attorney, three justices of the peace, one city assessor, two aldermen for each ward, and one constable for each ward; said officers shall be elected as follows, to wit:

Terms of office.

The mayor, treasurer, marshal, director of the poor, and city assessor, shall be elected annually, and shall hold their office for one year, and until their successors shall be elected and qualified.

Term of office of
recorder.

At the first annual election after the passage of this act, and at the annual election every two years thereafter, there shall be elected one recorder, who shall hold his office for the term of two years, and until his successor shall be elected and qualified.

School inspector

also be elected, annually, one school inspector, for the term of two years, and until his successor shall be elected and qualified.

Assessor.

At the first election after the passage of this act, and at each annual election thereafter, there shall be elected one city assessor, who shall hold his office for the term of one year, and until his successor shall be elected and qualified. At the annual election which

shall take place on the first Monday of April, eighteen hundred and seventy-five, and in every four years thereafter, there shall be elected one police justice, who shall hold his office for the term of four years, and until his successor shall be elected and qualified, with such jurisdiction and powers as shall be hereinafter prescribed.

Police justice.

At the first annual election that shall take place after the passage of this act, there shall be elected three justices of the peace, one for one year, one for two years, and one for three years, and who shall severally hold their offices accordingly. At every annual election, after the first, there shall be elected one justice of the peace, who shall hold his office for three years, and until his successor shall be elected and qualified.

Justices of the peace.

The said justices of the peace shall have the like jurisdiction and powers, and be subject to the same duties and liabilities as justices of the peace in the several townships of this State. There shall also be elected at the first annual election in said city, two aldermen for each of the several wards in said city, one of whom shall hold his office for the term of one year, and the other shall hold his office for the term of two years, and until his successor shall be elected and qualified.

Aldermen.

At each annual election, after the first, there shall be elected in and for each of the several wards in said city, one alderman, who shall hold his office for the term of two years, and until his successor shall be elected and qualified. There shall also be elected, at each annual election, in each ward in said city, one constable, who shall hold his office for the term of one year, and until his successor shall be elected and qualified:

Constables.

Provided, That at the first election under this act, two aldermen shall be elected in each ward, one for the term of one year, and one for the term of two years, and until their successors shall be elected and qualified, and that the term for which said aldermen shall be elected at the first election shall be designated on the ballots:

Proviso—aldermen.

Provided, That no director of the poor shall be elected under the provisions of this act until the annual charter election in the year one thousand eight hundred and seventy.

Proviso—director of the poor.

SEC. 2. That section two of act number two hundred and ninety-seven of the session laws of eighteen hundred and sixty-seven be, and the same is hereby repealed, and that section nineteen (19) of act number three hundred and thirty (330) of the session laws of eighteen hundred and sixty-nine, be, and is hereby re-enacted.

Section repealed, etc.

SEC. 19. The common council shall have power to assess and collect from every male inhabitant of said city, over the age of twenty-one and under the age of fifty years (except paupers, idiots, and lunatics), an annual capitation or poll tax not exceeding one dollar; and in all cases when any person shall neglect or refuse to pay said poll tax, or to commute, as hereinafter provided, he shall be liable to pay the tax aforesaid, and all costs which may be recovered in an action of debt or in an action of assumpsit; and the common council of said city shall have full power and authority to prescribe by their by-laws and ordinances the manner of levying, assessing, and collecting said tax, but no by-law or ordinance shall prescribe imprisonment for such non-payment for a period exceed-

Poll-tax.

Proviso.	ing ten days: <i>Provided</i> , That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed a notice of the time and place when and where such labor will be required. Such poll tax shall be collected by the street commissioner, and paid into the city treasury, or the labor in lieu thereof shall be expended and performed under the direction of the common council.
Compensation of officers.	<p>SEC. 36. The officers of said corporation shall be entitled to receive, out of the city treasury, the following sums in full payment for their services: The mayor shall be entitled to receive as compensation the sum of two dollars for each attendance on the meetings of the common council; the recorder and attorney shall be entitled to receive respectively such sums as the common council may allow, not exceeding three hundred dollars per annum; the marshal [shall] be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed for similar services; and he shall also receive such further compensation, not exceeding one hundred dollars, as the common council may allow; the city assessor shall be entitled to receive such sum as, and for the compensation for his services, the common council may allow, not exceeding one hundred and seventy-five dollars per annum; the treasurer, justices of the peace, and constables, shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the police justice shall receive for his services such fees as are now allowed to justices of the peace for similar services; the street commissioner shall be entitled to receive one dollar and seventy-five cents per day for his services, and at the same rate for parts of days actually employed; the director of the poor shall be entitled to receive such compensation as the common council may allow, not exceeding seventy-five dollars per annum; the same shall be an annual salary, and payable in quarterly or semi-annual installments, as the common council may direct; the school inspector shall be entitled to receive such compensation as the common council may allow, not exceeding one dollar and fifty cents per day for every day actually employed in the performance of the duties of his office; the aldermen shall each be entitled to receive one dollar for each attendance on the meetings of the common council.</p> <p>SEC. 39. The police justice elected in and for said city shall, before entering upon the discharge of the duties of his office, take the oath of office as justices of the peace are required by law to take, and shall give a bond to the city of Wyandotte, in the penal sum of one thousand dollars, and further take the oath and execute the bond required by law, and file the same in the county clerk's office of Wayne county. The police justice shall have jurisdiction to issue warrants, to hear all complaints, to conduct all examinations in criminal cases, and to try all offenses which by the laws of this State are now brought and established within the jurisdiction of justices of the peace. The police justice shall have sole and exclusive jurisdiction and power to take complaints, issue</p>
Mayor.	
Recorder and attorney.	
Marshal.	
Assessor.	
Treasurer, justices and constables.	
Police justice.	
Street commissioner.	
Director of the poor.	
School inspector.	
Aldermen.	
Police justice, oath and bond.	
Jurisdiction.	

warrants and summons, and to hear, try, and determine all offenses for any violations of the by-laws or ordinances of said city. His court shall be denominated the "police court of the city of Wyandotte," and he shall hold his office in the common council room. The records of such court and all papers filed therein shall be delivered by the police justice to his successor in office, who shall proceed in all cases, and determine the same without notice to the parties. The said city shall furnish such police justice with a suitable docket, and in case of his removal from office, or removal from said city, his death or resignation, or sickness or inability to attend to the duties of his office, the common council of said city shall designate and appoint another person then acting in said city as a justice of the peace, police justice for the said city for the time being, as the case may be; and he shall be vested with like jurisdiction and powers as are hereby conferred upon the police justice.

Style of court.

Records, etc.

Vacancy in office of, how supplied.

SEC. 49. The assessor, acting as the supervisor of the several wards of said city, shall complete the several tax rolls of the several wards, and deliver the same with his warrants thereto attached, to the city treasurer, within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State. The assessor shall also make out and complete an assessment roll for school taxes, and taxes for city purposes, and deliver the same to the city recorder, on or before the first day of June in each year, as hereinafter provided: *Provided*, Security has been given by such city treasurer, as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to collect such tax rolls; and the person so appointed shall thereupon be entitled to receive said tax rolls, and make returns of his doings thereon in the same manner, and shall have all the powers, and shall perform all the duties, and be subject to the same liabilities in this act conferred upon the city treasurer of said city, for the purpose of the collection and return and paying over said taxes.

Duty of assessor

Proviso.

When council may appoint treasurer.

SEC. 52. It shall be the duty of the common council of said city, on the last regular meeting in the month of June in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city, for such year, the sum so to be raised to be apportioned among the several wards of said city according to the valuation and equalization of the property appearing upon the assessment rolls of the several wards for such year, as equalized by the board of review of said city; the city recorder shall notify the city assessor of said city within two days from such meeting of the common council, the specific purposes and the several amounts so apportioned and necessary to be raised for school and city purposes in said city, and it is hereby made the duty of such city assessor, acting as the supervisor of the several wards of said city, to levy the several sums so apportioned and necessary to be raised to the several wards, and such other taxes as may be required by

Apportionment of taxes.

Recorder to notify assessor.

Assessor to levy tax.

law, upon the taxable property of [the] several wards in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Notice of meeting of board of review.

SEC. 85. On the receipt of the city assessment roll by the city recorder, as provided in section forty-nine of this act, he shall forthwith give notice by written or printed notices posted up in six most public places, and cause the same to be published once in some newspaper published in said county of Wayne, of the time and place when and where the common council, who, together with the city assessor, shall constitute a board of review and equalization, will meet to equalize said assessment roll. The session of said

Meeting, when and where held.

board shall be held at the city hall in said city, and shall be held on the second Monday of June in each year, and shall be held open for one day from nine o'clock A. M. to six o'clock, P. M. The board

Power of board.

shall have power and it shall be their duty to equalize,

alter, amend, and correct any assessments or valuation, and to place upon the assessment roll any taxable property, real and personal, not already assessed, held or owned by any person or persons,

Provide.

and to strike from said roll any property, real or personal, wrongfully thereon: *Provided*, They shall conform in all respects to the law of this State in the assessments of real and personal estate.

They shall have the same power to review, correct, and equalize the assessment roll of said city which supervisors now or hereafter may have by law to review, correct, and equalize the assessment rolls of townships in the several counties of this State. The board of review having completed the review and corrected the assessment

Attestation of roll.

roll, and equalized the valuation of the real and personal estate as appears on the assessment roll in the several wards of said city, and the said board shall by resolution ratify and confirm the same, and a certificate of such confirmation shall be attached to said assessment roll, signed by the mayor and countersigned by the city recorder, under the corporate seal of said city.

Assessor to assess taxes.

SEC. 86. After the assessment roll shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the assessor to cause the amount of all taxes, in dollars and cents, authorized and required to be assessed, levied, and collected in each year, to be ratably assessed to each person named or lot described upon, and according to the aggregate valuation, as appears upon the book which shall be known as the city assessment roll. The several sums and purposes for which such tax shall be raised shall be stated in separate columns, showing the amount of highway, school, poor, and city expense taxes assessed each person or lots in each year. The said city assessor shall levy said taxes

Roll to be delivered to treasurer.

and complete and deliver the assessment roll to the city treasurer with his warrant thereto attached, on or before the fifteenth day of July in each year, and shall take his receipt and deposit the same with the city recorder, and the city recorder shall file the same in his office. Upon the receipt of the tax roll by the city treasurer,

Duty of treasurer.

the taxes therein stated shall be due and payable on or before the first day of October in each year, and the city treasurer shall proceed to collect such taxes within the time above limited. On the

receipt of the city tax roll by the city treasurer, he shall give public notice of the same by written or printed notices, posted up in six most public places in said city, which notice shall be a sufficient demand for the payment of all taxes on said roll. For the collection of all such taxes the city treasurer shall be allowed such percentage as the common council may allow, not exceeding four per cent, which shall be added by and collected of the several persons mentioned on said tax roll. On the receipt of any tax, the city treasurer shall mark the same paid on the roll, and give the person paying the same a receipt therefor.

SEC. 3. This act shall take immediate effect.

Approved, April 27, 1875.

[No. 868.]

AN ACT to incorporate the village of Michigamme.

SECTION 1. *The People of the State of Michigan enact*, That all those portions of lots numbered one and two, and that part of the south half of the southwest quarter of section nineteen, in township forty-eight north, of range thirty west, lying south of the center line of the main track as now existing of the Marquette, Houghton & Ontonagon railroad, also lot number six in section number twenty, lot number one in section twenty-nine, lots numbered one, two, and three in section thirty, in said township forty-eight north, of range thirty west, in Marquette county; also all of the south half of the south half of section twenty-four, in township forty-eight north, of range thirty-one west, in Baraga county, lying south of the center line of the main track aforesaid of said Marquette, Houghton & Ontonagon railroad as now existing, be and the same is hereby constituted a village corporate, to be known as the village of Michigamme. Boundaries.
Incorporation.

SEC. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a body corporate and politic, and shall hereafter be known in law by the corporate name of "The village of Michigamme," and by that name they and their successors shall have perpetual succession, capable of suing and being sued, complaining and defending, in all courts of competent jurisdiction; and shall have a common seal, and may alter the same at pleasure; and by the same name shall also have power to purchase, hold, convey, and dispose of any real or personal estate for said village. Corporate name.

SEC. 3. The officers of said village shall be a president, six trustees, one recorder, one marshal, one treasurer, one assessor, one village attorney, one pound master, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act. Officers.

SEC. 4. The first election in said village shall be held on the first Monday of May, eighteen hundred and seventy-five, at the office of the Michigamme company, in said village. There shall be elected First election.

Trustees, how chosen.	<p>at said first election, one president, six trustees, one recorder, one treasurer, one assessor, one village attorney, and one pound master. Said officers so elected shall hold their respective offices until the first Tuesday of March following thereafter, and until their successors are elected and qualified, except said trustees, three of whom shall be elected to hold until the first Tuesday of March, eighteen hundred and seventy-six, and three of whom shall be elected to hold until the first Tuesday of March, eighteen hundred and seventy-seven, and until their successors are elected and qualified. The terms of said trustees shall be designated on the ballots, for long term and short term, or in such other appropriate manner as the voter may designate on the ballot. Any person receiving a plurality of votes for any office at said election, or at any future election held under this act, shall be deemed to be elected to such office.</p>
Plurality of votes to elect.	
Annual elections	<p>SEC. 5. An annual village election shall be held in said village on the first Tuesday of March in each year, in such place in said village as the common council shall designate, but if no place is designated by said common council, then such annual election shall be held where the last annual village election was held, or as near thereto as practicable. At every annual village election, after said first election, there shall be elected one president, three trustees, one recorder, one treasurer, one assessor, and one pound-master. The president, recorder, treasurer, village attorney, assessor, and pound-master shall hold their respective offices for one year and until their successors are elected and qualified. Said trustees shall hold their offices for two years and until their successors are elected and qualified. The terms of all of said officers mentioned in this section, elected at each annual village election, shall commence on the third Tuesday of March, and such officers shall file their qualifications with the recorder of said village before their terms of office so commence.</p>
Officers and terms of office.	
Inspectors at first election.	<p>SEC. 6. At the first election to be holden under this act, there shall be chosen <i>viva voce</i> by the electors present, at the opening of the polls of said election, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by some person duly authorized to administer oaths, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and who shall conduct the same and certify the result in the same manner that the common council is required to do by this act. At said first election the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and continue open until five o'clock in the afternoon of the same day, and no longer; and the name of each elector so voting at such election shall be written in a poll list to be kept at such election by the officer or officers holding the same. After the close of the polls at such election, the board of election shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the said board of election shall draw out and destroy unopened so many of the ballots as shall amount to the excess; and if two or more bal-</p>
Time of opening polls.	
Poll list.	
Canvass of votes.	

lots shall be found rolled or folded together, they shall not be estimated; and thereupon the said board of election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimates on the same day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village within twenty-four hours after the close of said canvass; and the person having the greatest number, or a plurality of votes, shall be declared duly elected. If at any election it shall happen that two or more persons shall have an equal number of votes for the same office, the judges or inspectors of election shall make as many strips of paper of equal size as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said board of election shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared duly elected. It shall be the duty of the recorder of said village to give at least ten days' notice, in writing, by posting the same in at least three public places in said village, of the time and place of holding each annual election.

Tile to be determined by lot.

Recorder to give notice of election.

SEC. 7. The president and the three trustees having the shortest term to serve shall constitute the village board of registration. The recorder shall provide a suitable bound book, or register, at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said recorder. On the last secular day next preceding the day for holding any regular or special election of said village, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing. The recorder shall be clerk of said board of registration, and all the provisions of law in regard to the registration of electors, the duties and liabilities of said board, and all applicants for registration, and the time and hours of holding sessions of said board shall apply to the registration of elections in said village, after said first election, except as herein provided to the contrary.

Registration.

Recorder to be clerk of board.

SEC. 8. The officers elected at the first election held under this act shall file their qualifications with the recorder of said village within ten days after their election, and may thereupon enter upon the discharge of the duties of their respective offices. The treasurer, marshal, and such other officers as the common council may

When officers to qualify.

Official bonds.

require so to do, shall each respectively and severally, before they enter upon the duties of their office, execute a bond to the village of Michigamme, in a sum double the amount liable to come into his hands, and with such sureties as the common council shall approve, conditioned that they will faithfully execute the duties of their office, and account for and pay over all moneys, according to law, received by them by virtue of such office, which bond shall be filed with the recorder of said village. Such bonds shall be recorded at length in the records of said village, and such record, or a copy thereof, certified by the recorder of said village that he has compared such copy with the original record in his office, and that the same is a true and correct transcript therefrom and of the whole of said original, shall be *prima facie* evidence in all courts and places, but such bonds shall not be deemed invalid by reason of not being executed or recorded as aforesaid.

Common council.

Right to hold real estate.

Actions against.

Officers to be appointed.

SEC. 9. The president and trustees of said village shall constitute "the common council of the village of Michigamme," and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for said village, but said village shall not be sued except in a court of record.

SEC. 10. The following officers shall be appointed by the common council, on the second Tuesday of April in each year, to wit: a marshal, village attorney, one street commissioner, one or more fire wardens, and such other officers as may be necessary or proper to carry into effect the provisions of this act and not herein specially provided for. No person shall be deemed elected to any office under this section until he receives a majority of the votes of all the members elect of the common council voting by ballot.

Qualifications of electors.

SEC. 11. The inhabitants of this said village being qualified electors under the constitution and laws of this State, and no others, shall be qualified electors under this act, and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village" instead of "township" being used in the oath, and any person who shall willfully swear falsely to any material fact in swearing in his vote, shall be deemed guilty of perjury. No person shall hold any office in said village unless he is a qualified elector thereof.

Qualifications of officers.

Special elections, notice of.

SEC. 12. Notice of the time and place of holding any special election shall be given by the recorder posting up written or printed notices thereof in five or more public places in said village, and by one publication in any newspaper in said village or county of Marquette, at least ten days before such special election, and such notices shall set forth the purposes and object of the election as fully as the same is set forth in the resolution appointing notice; but no annual election shall be held void for want of notice.

Annual elections.

Inspectors and clerk of election.

SEC. 13. The common council of said village, or any three members thereof, shall be the board of inspectors of election of all elections held in said village, and the recorder of said village shall

be the clerk of such board. If the recorder be absent, then any one of the trustees may act as clerk.

SEC. 14. Elections held in pursuance of the provisions of this act shall be conducted, as nearly as may be, in the same manner as is provided by law for holding of general biennial elections in the State of Michigan, except as herein otherwise provided, and the inspectors shall have the same powers and authority for the preservation of order during the time of holding the election and canvassing the votes, as are conferred by law upon inspectors of such general elections held in this State. It shall be sufficient to keep but one poll list at any election held for said village, and when the inspectors holding any election shall have completed the canvass of votes, they shall forthwith publicly declare the result thereof, and certify in writing the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and their determination as to who were elected, and shall file such certificate in the office of the recorder of said village immediately thereafter, together with the poll list and box or boxes containing all the ballots cast at said election. The recorder shall record said certificate in the records of said village.

Manner of conducting elections

One poll list.

Result to be declared.

Certificate to be filed and recorded.

SEC. 15. It shall be the duty of the recorder, within two days after any election, to notify each person elected of his election, and also within two days after the common council shall appoint any person to any office, the recorder shall notify such person of such appointment; but it shall not be necessary to notify any person whose name appears on the poll list of the election.

Recorder to notify officers of their election.

SEC. 16. Each and all of the officers of said village, including firemen and officers of the fire department, and such other officers and agents as may be appointed by the common council, shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be lawfully required of them in and by virtue of any ordinance of said village, or by any order or resolution of the common council lawfully adopted. The president and trustees shall receive no compensation for any services rendered to the village by them. The treasurer, recorder, attorney, assessor, marshal, and all officers appointed by the common council shall each receive such compensation for their services as the common council shall from time to time direct by resolutions entered upon its records.

Duties and compensation of officers.

SEC. 17. The common council shall have power to remove from office the marshal, recorder, treasurer, attorney, and any officer appointed by them, for any violations of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer, or his sureties, from any liability incurred, but the cause thereof shall be entered at length upon the record of said village, and such officer shall have a reasonable opportunity to be heard in his defense before the common council.

Council may remove officers.

SEC. 18. If any officer elected or appointed to any of the offices

When offices to
be deemed
vacant.

of the corporation shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provisions of this act shall neglect to file his oath of office, as in this act directed, or shall neglect to file an official bond, when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve, and in case of such neglect the common council may proceed immediately to cause such office to be supplied as in case of vacancy. Any vacancy that may occur in any office under this act shall be filled by the common council by appointment until the next annual election.

Filling vacan-
cies.

Powers and
duties of presi-
dent.

SEC. 19. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council to be observed and executed, and to exercise supervision and control over the conduct of all such officers as may be appointed or removed by the common council, and to examine all complaints against them for neglect of duty. He shall have full power to protect the common council from disturbance when convened in regular or special session, and shall have power to cause the summary arrest of any person who disturbs or attempts to disturb any meeting of the common council, and to imprison such person not to exceed six hours. But such person so imprisoned may be afterwards dealt with as shall be prescribed in the ordinances of said village.

The council.

Quorum.

Absentees.

Duties of re-
corder.

Certified records
evidence.

Account of
expenditures,
etc.

Duties of treas-
urer.

SEC. 20. The president and trustees, when assembled together and organized, shall constitute the common council of the village of Michigamme, and shall each have one vote, and a majority of the whole shall constitute a quorum for the transaction of business (though a less number may adjourn from time to time), and the common council may, by ordinance, provide for compelling the attendance of its members.

SEC. 21. The recorder shall safely keep the corporate seal, and the books, papers, and files belonging to said village, and shall make a record of all the proceedings of the common council, whose meetings it shall be his duty to attend, and make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the village, shall be evidence in all courts and places of the matters therein contained; and he shall keep an accurate account in books provided for such purpose, under appropriate heads, of all expenditures and of all orders drawn upon the village treasury, which accounts shall specify the purpose for which such order was drawn.

SEC. 22. The treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and

disbursements thereof, and from whom received, and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder and countersigned by the president, and he shall exhibit to the common council, as often and for such periods as it may require, a full and detailed account of all receipts and expenditures, and shall also, when so required, exhibit a general statement showing the financial condition of the treasury, and all other matters relating to his office.

SEC. 23. The marshal shall be chief of the police of the village, and shall see that the ordinances of the common council are enforced. It shall be his duty to serve all processes that may be lawfully delivered to him for service, under the provisions of this act. He shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act or the ordinances of the village, and he shall have power to enter into any disorderly or gambling house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, or where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance, in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary, and shall take such person or persons before any court or judicial officer having competent jurisdiction, to be proceeded with according to law. His return to any writ lawfully directed to him, or which he has power to serve, under this act, shall have the same effect as evidence, and to confer jurisdiction as the return of a constable to civil process.

Duties of marshal.

Power to arrest suspected persons.

Marshal's return to be evidence.

SEC. 24. The common council shall meet at such time and in such place as it shall determine, and at such other time and place as the president, or in case of his absence, the president *pro tempore*, shall appoint and designate. The common council shall have power to impose, levy, and collect such fines as it may deem proper, not exceeding five dollars, for the non-attendance of any of the officers and members thereof at its meetings, and also require the attendance of any of the officers of said village at any of its meetings, and to impose fines for non-attendance. The common council shall at its first meeting, or as soon thereafter as may be, after each annual election, appoint one of the trustees to be president *pro tempore* at [of] the common council, and if at any meeting of the common council, neither the president or the president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Meetings of the council.

Power to impose fines upon officers.

President *pro tempore*.

SEC. 25. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred on them in this act, shall have the management, control, and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds in said village; of the finances, rights and interests, buildings, and all property real and personal belonging to the village, and may make such ordinances and by-laws relating to the same as it shall deem proper and nec-

Council may prescribe rules.

Powers of council.

essary; and further, the common council shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as it may deem desirable and proper within said village in relation to and for the following purposes:

- To prevent vice, etc.** *First*, To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places;
- Disorderly houses, gaming, etc.** *Second*, To suppress all disorderly houses, bowling alleys, and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to regulate or suppress billiard tables;
- Liquors.** *Third*, To prevent the selling or giving away any spirituous or fermented liquors to minors and spendthrifts;
- Auctions.** *Fourth*, To prohibit or license and regulate the sale of all goods, wares, and personal property at auction, except in case of sales authorized by law, by public officers;
- Peddlers, etc.** *Fifth*, To license and regulate peddlers and pawnbrokers, and hawking, and peddling of goods, wares, and merchandise;
- Theaters and shows.** *Sixth*, To restrain, license, and regulate all theatrical exhibitions, shows, concerts, circuses, and all other performances and exhibitions for money;
- Sunday regulations.** *Seventh*, To prevent the violation of the sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the sabbath day, and at reasonable hours during the night on week-days, to be determined by the common council;
- Nuisances.** *Eighth*, To prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and direct and authorize their speedy removal or abatement by the marshal of the village at the expense of the persons creating the same, or on whose premises the same may be;
- Offensive trades.** *Ninth*, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, fish-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same whenever the common council shall deem it necessary for the health, comfort, and convenience of the inhabitants of said village;
- Slaughter houses.** *Tenth*, To direct the location and regulation of all slaughter-houses in said village, and to prohibit their location in said village;
- Dangerous trades.** *Eleventh*, To regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations which the common council may deem dangerous or injurious, in such places and parts of said village as the common council may designate;
- Explosives.** *Twelfth*, To regulate the buying and selling and using of nitro-glycerine, dualin, dynamite, giant-powder, gunpowder, fire-crackers,

and fireworks, and all other combustible and explosive materials; to regulate and prohibit the exhibitions of fireworks and the discharge of fire-crackers and firearms, and to restrain the making or lighting of fires in the streets and other places in said village;

Thirteenth, To prevent the incumbering or obstruction of streets, sidewalks, crosswalks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds, in any matter [manner] whatever, and to compel the occupants of lots to clear the sidewalk in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance and obstruction;

Obstructions of streets, etc.

Fourteenth, To regulate the setting and securing of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes, and alleys of said village, and to cause the same to be taken up and removed; to prohibit the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner the same shall be constructed, and to compel the removal of the same.

Shade trees.

Hitching posts.

Awnings.

Fifteenth, To provide against horse-racing and immoderate riding or driving in any street, or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of driving or riding at the rate of more than six miles an hour in the streets of said village;

Racing and fast driving.

Sixteenth, To regulate the speed of locomotives, engines, and cars upon the railroads within said village;

Speed of cars, etc.

Seventeenth, To regulate and prohibit bathing in the public waters within said village, or in Lake Michigamme within one mile from said village limits;

Bathing.

Eighteenth, To establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and geese or other poultry, in the streets and public places of said village, and to authorize the taking up, impounding, and sale of the same for the penalty incurred in the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid;

Running at large of animals and poultry.

Nineteenth, To regulate the ringing of bells, and the crying of goods, and to prevent disturbing noises and obscene and profane language in the streets;

Bells, cries, and offensive language.

Twentieth, To provide for the lighting of the streets, and the protection of the public lamps;

Street lights.

Twenty-first, To impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs, and to authorize their destruction whenever running at large in violation of any ordinance of said village;

Dogs.

Twenty-second, To provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tomb-stones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village;

Burial places.

Twenty-third, To establish, order, and regulate markets; to reg-

Markets.

ulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village;

Drays and public carriages.

Twenty-fourth, To license all drays and omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire, and prohibit their use without license, and to designate the stand for such vehicle, and to prescribe the rates of fare and charges for the same;

Public houses and restaurants.

Twenty-fifth, To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-keeper, common victualer, restaurant and saloon-keeper, and to impose such license as the common council may see fit, and to impose penalties upon all persons engaged in such occupation or business without such license: *Provided*, That the above shall be in no wise construed to license the sale of spirituous liquors;

Precaution against fires.

Twenty-sixth, To regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fire, and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any one of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the occupants or owner of the building in which the same may be; and every building or structure that shall be constructed, moved, or enlarged, in violation of or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down, and removed by direction of the common council, at the expense of the owner or occupant or person who caused such nuisance;

Combustible substances.

Twenty-seventh, To prohibit the maintaining of lumber yards, the keeping, piling, and storing of fire-wood, timber, lumber, or other easily combustible material within the limits of any fire district;

Water.

Bridges, sewers, etc.

Streets, public grounds, etc.

Cleaning of foul places.

Twenty-eighth, To construct reservoirs wherever needed, and to provide for the supplying the same with water; to build bridges, construct sewers, drains, and culverts; to provide wells; to grade, gravel, pave, repair, and otherwise improve the streets, lanes, alleys, and public grounds and parks in said village; to construct, repair, and renew sidewalks; to fill up, drain, cleanse, and regulate any grounds, yards, basins, cellars, or vaults within said village that may be sunken, damp, foul, encumbered with rubbish or unwholesome matter, and to make such other public improve-

ments as may conduce to the general good and prosperity of said village, or any part thereof, and generally to adopt all other reasonable ordinances and regulations, with proper penalties for violations thereof, that the common council may deem necessary to the safety, order, and good government of said village, subject to the limitations of section eighty-six of this act. General powers.

SEC. 26. The common council shall have power to establish, maintain, and regulate all such fire engine, hook and ladder, hose, and bucket companies as may be deemed expedient, and shall provide such companies with fire-engines and other implements and instruments necessary to be used in extinguishing fires, and may appoint from the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to employ as firemen, and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hooks, ladders, and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in their charge, with a view to keeping the same in perfect order and repair; and upon the alarm or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer of the fire department. Fire department.
Duties of firemen.

SEC. 27. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village, and also two assistant engineers, either of whom may act as engineer in case of the absence or disability of the chief. Chief engineer.

SEC. 28. The marshal, or any member of the common council, may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby, and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village, and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as may be deemed necessary. Every person belonging to an organized fire company in said village may obtain from the village recorder a certificate to that effect, which shall be evidence thereof, and the members of every such company, during their continuance as such, shall be exempt from serving on juries and from paying a poll tax in said village. Power of marshal at fires.
Certificate of membership to firemen.

SEC. 29. The common council shall have power to prohibit and prevent the location or construction of any wooden or frame house, Fire limits.

store, shop, or other building on such streets, alleys, and places, or within such limits in said village as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said village to any lot on such streets, alleys, and places within said limits, and the rebuilding or repairing of wooden buildings on said streets, alleys, and places within said limits when damaged by fire or otherwise. The common council shall have power to prevent boys under the age of twenty-one years from frequenting saloons, and to punish saloon-keepers who allow boys to congregate in their saloons.

Boys frequenting saloons.

Special assessments for improving streets, etc.

SEC. 30. The common council shall have power to assess and levy at any time, by a special assessment, the expense of making, grading, paving, opening, and repairing streets, lanes, and alleys, and of putting curb-stones and culverts therein, of grading, paving, or planking and repairing sidewalks, of draining low lands, or making drains and sewers, and other public improvements, on lots, premises, and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers, or other improvements, and the common council shall have power to make all ordinances relative to the mode of assessing, levying, and collecting any such assessment, which shall be exclusive of and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid the said land may be sold therefor in the same manner as for the non-payment of any general tax levied in said village.

Sidewalks.

SEC. 31. Whenever the common council shall deem it expedient, it may by ordinance, under suitable penalties to be therein prescribed, require the owners and occupants, or either, of land in said village, or any specified part thereof, to construct, repair, and maintain sidewalks, pavements, and other street improvements in any street, lane, or alley adjoining their respective lots or premises, to the middle of such street, lane, or alley, in such manner or with such material as the common council by ordinance may direct. The paving of any street, however, may be done by general tax, levied on the taxable property of the village, or by special assessment on the property fronting on the street to be paved, or a portion of the expense of such paving may be paid by general tax, and the remainder by special assessment on the property fronting such street, in the discretion of the common council.

Paving may be by general tax or special assessment.

Tax to be lien upon lands.

SEC. 32. Every lawful tax or any portion thereof imposed by the common council upon any lands, tenements, and hereditaments in said village, shall be and remain a lien upon such lands, tenements, and hereditaments, from and after the first Monday of December in each year until the same shall be paid.

Poll-tax.

SEC. 33. The common council shall have power to assess and collect from every male inhabitant of said village, being over the age of twenty-one and under fifty years (except paupers, idiots, lunatics, and other persons who are by law exempt), an annual capitation or poll tax, not exceeding one dollar from each person, and may provide by ordinance for the collection of the same.

SEC. 34. The assessor of said village shall, once in each year, be-

tween the second Monday of April and the second Monday of May, make an assessment roll, containing a description of all the property both real and personal, liable to taxation in said village (such personal property may be described generally), and the name of the owner or occupant, or agent thereof, if known, and shall estimate and set down in such roll the valuation of all such property at its true cash value, placing the value of personal property on a separate line. The assessor shall give five days' notice of the time and place where said roll will be ready for review, by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village, for five days next previous to the time for review therein stated; said roll shall be ready for inspection and review on the third Monday in May in each year. At the time and place so appointed, the assessor, on the application of any person interested, may reduce the said valuation on sufficient cause being shown, on oath, to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessor, such person or persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized to reduce or increase such valuation. The common council shall also have the right, at any time within sixty days after the third Monday of May, to increase or reduce any and all valuations on said roll; but if the common council vote to revise such roll, notice shall be given for ten days previous thereto, in the manner hereinbefore prescribed for giving notice by the assessor; and the common council may, at any time before the tax is collected on such assessment roll, correct any description of real estate which they may find erroneously described in said roll. The assessor shall deliver such assessment roll to the village recorder, on or before the first day of June in each year.

Duties of assessor.

Notice and review of assessment.

Right of appeal to council.

Council may revise roll.

Roll to be delivered to recorder.

SEC. 35. The common council shall have full power and authority to raise annually, by general tax on all the real and personal property of said village so assessed on the annual assessment roll, one and one-half per cent of such assessed valuation, for the following purposes, to wit:

Amount and objects of taxation.

First, For salaries of officers, and other incidental and ordinary expenses of the village, one-half of one per cent, and this fund shall be known as the general fund;

General fund.

Second, For fire department purposes, including the building and maintaining of reservoirs, engine houses, and hydrants, and maintaining fire companies, one-half of one per cent; this fund to be known as the fire department fund;

Fire department fund.

Third, For making, grading, paving, opening, altering, and repairing highways, streets, lanes, alleys, water-courses, and bridges, one-half of one per cent; and this fund shall be known as the highway fund. The common council shall also have power to levy and assess the special taxes in this act provided for, when author-

Highway fund.

Notice of meeting to vote on special tax.

ized by a vote of the tax-payers on the assessment roll of said village as herein prescribed.

SEC. 36. Before any tax for such further sum can be voted for at any meeting, a notice must be published by order of the common council, and signed by the recorder of said village, for at least two weeks before such meeting, by publishing the same in a newspaper published in said village, if there shall be any published therein, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Vote to be by ballot.

SEC. 37. The vote on any special tax shall be by ballot, which shall have written or printed, or partly written and partly printed, on the inside the words, "For the tax," or "Against the tax," and be deposited in a separate box to be labeled "Village tax," and all other proceedings had thereon shall be the same as provided for in this act for holding elections.

Assessment of special tax.

SEC. 38. The proceedings for the assessment, apportioning, and collecting such tax so voted shall be the same as those prescribed in this act for the raising of a general tax.

When council to determine amount of tax.

SEC. 39. It shall be the duty of the common council to determine, on or before the last Monday of October in each year, the amount of taxes to be raised for all purposes for which the common council shall have authority to provide in said village. If said common council shall omit to provide for raising such taxes at the time herein prescribed, the same may be raised at any time within sixty days thereafter. It shall be the duty of the recorder, under the direction of the common council, to extend all taxes voted to be raised in said village, on said roll, in the same manner as supervisors of townships extend taxes on township assessment rolls. All the provisions of law, now or hereafter in force, in regard to the assessment and collection of taxes by supervisors and township treasurers, shall apply to the assessment and collection of taxes in said village, so far as the same may be applicable, and except as herein provided to the contrary.

Recorder to extend taxes on roll.

General provisions of law applicable.

Duplicate of roll and warrant for collection.

SEC. 40. After said taxes are extended on said roll, the recorder shall make a duplicate thereof, and shall annex thereto a warrant for the collection of said taxes, directed to the treasurer of said village, commanding him, in the name of the people of the State of Michigan, to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names in the last column of said roll as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sum, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, into the treasury of said village within sixty days from the date of said warrant.

Renewal of warrant.

The president and recorder may, by endorsements thereon, renew said warrant from time to time by direction of the common council.

Basis of apportionment of special tax.

Whenever any special tax on the whole village shall be voted to be raised as provided for in this act, the apportionment of the same shall be based on the assessed value of the real and personal

estate as set down in the current annual assessment roll, and shall be collected on the annual tax roll. All tax warrants shall be under the seal of said village, and shall be signed by the recorder and countersigned by the president of said village.

Attestation of
tax warrants.

SEC. 41. When said roll is completed with the warrant annexed, it shall be placed in the hands of the treasurer, if he has already given the security required by this act. The treasurer of said village shall, immediately after receiving the assessment roll, with the warrant thereunto annexed, as provided for in this act, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant; and if said warrant is regular on its face it shall be a full protection to the treasurer in all his proceedings under this act.

Duty of treasurer in collecting tax.

SEC. 42. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed as aforesaid, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of such persons, first giving public notice thereof as is required by law to be given by township treasurers; and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale thereon, the surplus shall be paid, on demand, to the person or persons from whom such goods and chattels were distressed.

Levy and sale in case of non-payment.

SEC. 43. The treasurer shall charge only one per cent for collection fees on all taxes received by him before the first day of January in each year, on the annual tax roll of said village, and he shall be allowed to collect four per cent on all taxes collected by him after that date.

Percentage for collection.

SEC. 44. In case any person upon whom any tax shall be assessed in said village for personal estate shall have removed out of said village after the assessment and before such tax ought by law to be collected, it shall be lawful for the treasurer to levy and collect such tax of the goods and chattels of the person so assessed in any township or city within the counties of Baraga and Marquette to which such person shall have removed, or in which he shall reside.

Collection of tax in case of removal.

SEC. 45. Whenever the treasurer shall be unable to collect any tax by distress and sale of the goods and chattels of such person, or is unable to find sufficient thereof, it shall be lawful for the said treasurer to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction in this State, and to have, use, and take all lawful ways and means provided by law for the collection of debts from private individuals to enforce the payment of such tax, including attachment and garnishee process.

Personal action to recover tax in default of goods and chattels.

SEC. 46. The treasurer of said village shall preserve, in a book kept for that purpose, a list of all lands upon which the taxes remain unpaid, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the first warrant to the treasurer as aforesaid, for the term of one year thereafter, he shall cause so much of the land charged with such tax and assessment and interest to be sold at public auc-

Lands delinquent for taxes to be sold.

Fees and costs of sale.	<p>tion to the highest bidder as shall be necessary to pay the said tax, assessment, interest, and costs thereof. The treasurer shall be allowed one dollar for each deed which it shall be necessary for him to execute to each purchaser or his assignee. There shall also be allowed the legal costs and charges for advertising, which shall be charged <i>pro rata</i> on the several descriptions. Before any land shall be sold for non-payment of taxes as provided for in the preceding section, the treasurer shall give notice for at least four weeks, by publication in a newspaper published in said village, if any such should be so published, and if not, then in some newspaper published in Marquette county, and by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.</p>
Notice of sale.	
Manner of sale.	<p>SEC. 47. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands and continue the same from day to day until all are sold upon which there are taxes, assessments, and interest due and unpaid, and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interests, and costs of sale. In case less than the whole of any description shall be sold for the taxes, assessments, interests, and charges thereon, the portion thereof sold shall be taken from the north side or end of such land so sold, unless such lots shall be laid out diagonally; then said portion shall be taken from such side as said treasurer shall select.</p>
Division of lands when whole is not sold.	
Treasurer to give certificate of purchase.	<p>SEC. 48. At the sale aforesaid the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of said lands; and unless within one year from the date of such sale there shall be paid to the treasurer for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per centum per annum from the date of such sale, the treasurer of said village shall, at the expiration of said one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, an estate in fee simple, and the said conveyance shall be <i>prima facie</i> evidence of the regularity of all the proceedings connected therewith, and of the title in the grantee therein named; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.</p>
When deed to issue.	
Effect of deed.	
Deed may be given in evidence.	
Limitation of right of action.	<p>SEC. 49. No action shall be had or maintained, nor shall any entry be made by any person for lands sold for delinquent taxes in said village, after the expiration of seven years from the date of the deed executed by said treasurer to the purchaser or assignee of said lands, and it shall not be necessary for such purchaser, his</p>

heirs or assigns, to take actual possession of such lands, but shall pay all taxes lawfully imposed on said lands during such period, and shall cause the deed given by such treasurer to be recorded in the registry of deeds of either of the counties in which said village is situated, within three months' time after the execution and delivery of the same to the person entitled to the possession thereof: *Provided*, That any person who is insane, imprisoned in any State prison or penitentiary within the United States or Canada, or who is absent from the United States and Canada, or who is under the age of twenty-one years, shall have three years after such disability ceases after the expiration of said seven years, to enforce any rights he may have to any such lands so sold for taxes.

Proviso—Incompetent persons, etc.

SEC. 50. The common council of said village shall have full power to lay out, establish, open, extend, widen, straighten, alter, fill in, or grade any highways, streets, avenues, lanes, alleys, public grounds, or spaces in said village, whenever they shall deem it a necessary improvement, and private property may be taken therefor; but the necessity for using such property, the just compensation to be made for the same, and the damages to any person arising from the establishing, extending, widening, straightening, or altering any highway, street, avenue, lane, or alley in said village, shall be ascertained by a jury of twelve disinterested freeholders residing in any part of the county in which said village is situated.

Power of council to improve streets, etc.

Jury to determine necessity.

SEC. 51. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, and in such resolution shall describe the contemplated improvement; and if they intend to take private property therefor they shall declare such intention and describe such property in said resolution with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution, apply to some justice of the peace of the township of Michigamme, in Marquette county (naming said justice), for the drawing of a jury to ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, to ascertain the just damages and compensation which any person may be entitled to if such intended improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises, and subdivisions thereof which will be benefited by such improvement; and the like proceedings shall be had whenever it shall be determined in like manner by said council to alter any highway, street, avenue, lane, or alley in said village.

Resolution of council when private property is to be taken.

Selection of justice for impaneling jury.

SEC. 52. The common council shall give notice of the intended improvement and of the intended application to said justice of the peace, causing a copy of said resolution, certified by the recorder of the village, to be published for four successive weeks in some newspaper published in said village, or if no newspaper is published therein, then in some newspaper published in Marquette county, once in each week (four insertions shall be construed to be four weeks' notice), and the marshal shall also give notice of said reso-

Notice of application for jury.

Service of notice.	lution by delivering a notice thereof, with a copy of the same annexed, to the owner or owners of any private property intended to be taken, if they can be found in said village, which notice shall be directed to them, or if they or any of them cannot be found, then by mailing the same prepaid to the address of each of such persons to be ascertained according to the best information that such marshal can obtain. The marshal shall give notice of said resolution as above directed, and make return of his doings, and of the manner of giving said notice, as soon as practicable after the passage thereof, which return shall be made to said justice of the peace at least one day before the day appointed in said resolution for the hearing of said application; and all persons interested therein, after notice given in the manner aforesaid, shall take notice of and be bound by all subsequent proceedings without any further notice, except as herein otherwise provided.
Return by officer.	
Effect of notice.	
Duty of recorder.	SEC. 53. The recorder of said village shall deliver a certified copy of said resolution of the common council to the village attorney, whose duty it shall be to appear before said justice of the peace and make the application therein referred to, and conduct all further proceedings therein in behalf of the common council.
Impanelling of jury.	SEC. 54. Upon the day designated in said resolution, or on some other day to be appointed by said justice of the peace, and on filing a copy of said resolution and an affidavit showing the required publication thereof, the marshal shall appear before said justice of the peace and write down the names of twenty-four disinterested freeholders of Marquette or Baraga counties, and who shall be approved by the justice of the peace as such disinterested freeholders and residents and qualified to serve.
Justice to issue venire.	SEC. 55. Said justice of the peace shall then issue a <i>venire</i> commanding the marshal to summon said twenty-four persons to be and appear before said justice of the peace to serve as jurors on some day to be named therein, which shall not be less than three nor more than seven days after the issuing thereof. The marshal shall serve such summons at least three days before the return day thereof, and make return in the same manner as in the case of an ordinary <i>venire</i> for jurors before said justice, and the persons thus summoned shall be bound to attend before said justice and serve until discharged, and said justice of the peace shall impose upon them a fine not exceeding five dollars each for each day's non-attendance before him or neglect to serve; but they may, upon application made by them, be exempted and excused by the justice from serving for the same reasons for which jurors in the circuit court may be exempted or excused.
Marshal to summon jurors.	
Compulsory attendance of jurors.	
When may be excused.	
Drawing of jury.	SEC. 56. The names of the jurors in attendance, and not excused from serving, shall then be written by said justice of the peace on separate slips of paper of equal size and appearance, as near as practicable, and be deposited by him in a box; he shall then shake said box so as thoroughly to mix said slips of paper, and shall then draw impartially, in the presence of the parties present, so many of the slips of paper or ballots containing names written thereon, one after another, as shall be sufficient to form a jury.

SEC. 57. If, in consequence of jurors being exempted, excused, or set aside by challenge for cause, which right to challenge for cause the same as in the circuit court is hereby given to all the parties, there shall not be in the box any slips or ballots, or not a sufficient number of ballots from which to draw the jury, the marshal shall forthwith, under the order of the justice, summon such number of persons, having the qualifications of jurors under this act, from amongst the bystanders or elsewhere, as the justice shall deem necessary, and may order to be and appear before said justice of the peace to serve as jurors, and the persons thus summoned shall be returned, be bound to attend before said justice of the peace, and serve, and be competent to form the jury, in the same manner and to the same effect as those first summoned.

Talesmen may be summoned.

SEC. 58. The first twelve persons who shall appear as their names are drawn and called by said justice, or who are called by him when all the ballots have been drawn from the jury-box, and shall be approved by such justice of the peace as qualified, shall be the jury, and shall be sworn to discharge the duties imposed on them by this act, faithfully, impartially, and according to the best of their abilities. Said justice of the peace shall then deliver to them a copy of the resolution of the common council, as filed with said justice, certified by the recorder thereof.

Jurors to be sworn.

Justice to deliver copy of resolution to jury.

SEC. 59. Said jury shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken and described in said resolution, or as the case may be, which will be damaged or benefited if the intended improvement is made.

View by jury.

SEC. 60. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, the just damages and compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by the intended improvement, and award to the owner or owners thereof such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease, lien, levy, or agreement, or to either, then said jury shall apportion and award to the owner or owners of such property, the parties in interest in such mortgage, lease, lien, levy, or agreement, or to either of them, such portions of the damage and compensation as they shall deem just.

Jury to determine necessity and appraise damages.

Rights of mortgages, etc., to be considered.

SEC. 61. Said jury shall then apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises, or subdivisions thereof, which will be benefited if the intended improvement be made, apportioning and assessing to and upon each, such portion of said total damages and compensation as they shall deem just: *Provided*, That if the total damages and compensation to be awarded to any person or persons as above, shall exceed the total benefits to be apportioned to and assessed upon any property for the benefit such property will receive, then such excess shall be apportioned and assessed to said village; which said excess so assessed and apportioned to said village shall be a liability against the same, and shall be paid out of the general

Damages and benefits to be assessed.

When damages to be charged against village.

fund of said village, or the common council may provide for the payment thereof by a general tax upon said village, to be levied and collected in the annual assessment roll of said village, and in the same manner; which said excess when so collected, shall be added in said roll to the general village tax: *Provided further*, That the common council of said village shall have power to arrange with persons to whom damages may be awarded, for the payment thereof, in yearly installments; and for the purpose of carrying into effect said agreement, the bonds of said village may be issued for a rate of interest not exceeding ten per cent per annum, and payable according to the terms of said agreement.

Assessment as to damages.

Bonds may be issued.

Finding of jury as to interest of mortgagees, etc.

SEC. 62. Said jury shall state in their verdict the just damages and compensation ascertained and awarded by them to the owner of any private property, or to any person claiming an interest therein by virtue of any mortgage, lease, lien, levy, or agreement, or either, to which such property may be subject, together with the name of such owner or claimant, if known, and a description of the property intended to be taken. In case any damage and compensation be awarded to any person claiming an interest in such property by virtue of any valid mortgage, lease, lien, levy, or agreement, or either, to which such property may be subject, it shall be sufficient to state further, in such case, the name of such interested party, the date of such mortgage, lease, lien, levy, or agreement, or assignment thereof, if there be any, by virtue of which such interested party has an interest in the property intended to be taken.

Report of jury.

SEC. 63. Said jury shall also state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises, or subdivision thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same, and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to said village in the case above provided for. When said verdict is filed with said justice of the peace, it shall be recorded at length, with the names of the jurors, in his docket; and said justice shall also enter in said docket the names of the parties to said proceeding, styling it, "In the matter of the village of Michigamme for acquiring the right to use certain lands in said village."

Verdict to be filed with justice and recorded.

Other papers to be recorded.

He shall first record in his docket the certified resolution of the common council filed with him, the names of all the parties interested who have appeared from time to time before him in the progress of the proceeding, the proceedings which took place in the progress of said proceeding, and lastly, said verdict of the jury. He shall then enter judgment confirming said verdict, and sign said docket; and such record, or a certified copy thereof, certified in the usual manner for certifying justices' judgments, shall have the same effect as evidence as any judgment rendered by a justice of the peace in civil cases. The sum or sums so assessed by said jury, together with all legal costs incurred in the progress of the proceeding, shall be paid or tendered before such street, lane, or

Judgment to be entered.

Damages to be paid or tendered.

alley, sidewalk or highway shall be made, opened, or established or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court of Marquette county, upon giving written notice of his or their intention to take such appeal, within ten days, or in case the party appearing has not been personally served, and has not appeared, then within thirty days after the rendition of the verdict of said jury, and said circuit court shall have jurisdiction of such appeal upon the filing in said circuit court of Marquette county a transcript of the proceedings had before said justice, as they appear upon his docket, duly certified by the said justice, in the circuit court; and it shall be the duty of said justice to file such transcript within ten days after an appeal is taken. The same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice at least ten dollars then the village may have judgment for all costs occasioned by such appeal, in the discretion of the court.

When grounds may be used.

Proviso—right of appeal.

Justice to furnish transcript.

Proviso—costs.

SEC. 64. In case any of the owners or persons interested in such lands so taken for public use cannot be found, or are unknown, the common council shall cause the money due to such persons as assessed by said jury to be deposited with the village treasurer before said village shall take such lands. Any party can appeal as aforesaid, either in person, or by his agent or attorney. The party appealing shall simply file an affidavit with the justice within the time hereinbefore prescribed, stating that he is owner or otherwise interested in the lands so taken, stating his interest therein, and that he feels aggrieved at the amount of damages awarded by the jury, and shall sign such affidavit. If the affidavit is made by an agent or attorney, he shall state specifically that he is such agent or attorney, and authorized to make such appeal. Corporations may appeal by their president, agent, superintendent, secretary, treasurer, clerk, cashier, book-keeper, paymaster, or other principal officer, making and filing the aforesaid affidavit.

Moneys due unknown persons to be deposited with treasurer.

Appeal may be in person or by attorney.

Manner of appeal.

Corporations may appeal.

SEC. 65. If said jury impaneled before said justice of the peace cannot agree, or from death, sickness, or any other cause shall fail to report a verdict under their hands within the ten days required above, the justice may, on the application of the village attorney, designate some day within thirty days thereafter when another jury may be had, and such jury may be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and in said court, as provided for above, after the first jury is sworn; but it shall not be necessary, on such or any subsequent application, to give notice thereof, or of the original resolution upon which the first application was based. If any juror, after being sworn, shall die, or from sickness or any other

When second jury may be drawn.

Vacancies in jury may be filled.

Certiorari
within three
months.

Writ of error to
supreme court.

When right of
lands to vest in
village.

Transcript of
proceedings to
be recorded.

Duty of con-
stables.

Power of coun-
cil over streets,
public grounds,
etc.

reason be unable to discharge his duties, the justice may appoint another person to serve in his place, after reasonable notice served on the parties, their agents, or attorneys, who shall be sworn, and shall have the like qualifications, powers, and duties as those already sworn, and with the same right to appeal as hereinbefore prescribed. Any person interested may also sue out a writ of *certiorari* within three months after the report of said jury is filed with said justice of the peace, and no writ of *certiorari*, either statutory or common law, shall issue thereafter; and if any such writ is issued after the expiration of said three months, it shall be dismissed as being improvidently issued. If any appeal is taken to the circuit court, either party, or any of them may, after the final decision in said court, remove the proceeding to the supreme court by writ of error in the usual manner. After the verdict of the jury is finally confirmed, or the amount of damages settled by appeal or otherwise as herein provided, and after the payment, tender, or deposit in the village treasury as aforesaid, the right to use such lands for the purposes for which it was taken shall be fully vested in the said village, and the common council may enter upon, take possession of, and convert the same to the uses and purposes for which it has been taken. After the title of the village to such lands is finally determined in favor of said village, the recorder of said village shall procure a transcript of the record made by said justice of the peace, as prescribed in section sixty-three of this act, from said justice of the peace, or from any justice who may have control of such docket, certified in the usual manner provided for certifying transcripts from justices' dockets, and procure the same to be recorded in the registry of deeds of Marquette and Baraga counties at the expense of said village.

SEC. 66. The duties prescribed in the preceding sections for drawing and summoning such jury, to be performed by the marshal of said village, in case of the inability of such marshal, whether by absence, sickness, interest in the subject matter of the proceedings, or other disability, shall be performed by any constable of Marquette county.

SEC. 67. The common council shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds in said village, and it shall be its duty to give directions for the repairing, preserving, improving, cleansing, and securing such highways, bridges, lanes, alleys, parks, and public grounds, and to cause the same to be repaired, cleansed, improved, and secured from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks, and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said village as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the recorder of said village, in the book of the street records; and the recording of such highways, streets, lanes, alleys,

or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the recorder, by the order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described.

Record presumptive evidence.

SEC. 68. The common council shall have power to cause common sewers, drains and vaults, arches, and bridges, wells, pumps, and reservoirs to be built in any part of said village, to cause the grading, raising, leveling, repairing, paving, or covering with broken or pounded stone, plank, or other material, any street, lane, alley, highway, public ground, or sidewalk of said village.

Power as to sewers, bridges, reservoirs, etc.

SEC. 69. Each tax or assessment levied in said village, under the provisions of this act, upon any real estate therein, shall be a lien on such real estate, from the completion of the tax roll and date of the warrant annexed, until such tax or assessment is paid or satisfied, except as in this act otherwise provided.

When tax becomes a lien.

SEC. 70. In all cases which may hereafter arise in said village, when any improvement upon any street or streets has been commenced under color of authority from the common council, and being completed, the person or persons making such improvements on behalf of said village have failed to receive compensation therefor, on account of the failure from any cause to collect any assessment or assessments which may have been made to defray the expense of such improvement, or on account of any insufficiency in the proceedings relating to such improvement or assessment, or from any other cause, the common council shall have full power, and it shall be their duty, to institute new proceedings, and levy and collect the uncollected assessments for the purpose of defraying the expense of such improvement in accordance with the provisions of this act, in the same manner as if no proceedings had previously been instituted for the same purpose; and all expenses of and incident to said assessment may be included in the roll or rolls containing said assessments: *Provided*, That in all such subsequent assessments, all persons who shall have paid the whole or any part of any previous assessment for the same improvements, or who shall have previously made advance for such improvements, shall be credited therefor in full or in part as the case may be, upon such subsequent assessments.

New proceedings to cure irregularities.

Proviso.

SEC. 71. The common council may at any meeting extend the time for the collection of any tax or special assessment roll made pursuant to the provisions of this act, from time to time, not exceeding thirty days at one time; and upon the granting of such extension, the provisions of this act in all respects shall apply to said roll until the same is finally collected, in the same way and manner, as near as may be, as if such extension had not been granted.

Council may extend time for collection of special assessments.

SEC. 72. The village of Michigamme, in its corporate capacity, is hereby authorized and empowered to purchase all parcels of land which shall be advertised and offered for sale under the provisions of this act, for non-payment of any tax or assessment, which shall

Village may purchase lands at tax sales.

fail to be sold for want of bidders, and in case the same is not redeemed as provided by law, to receive a deed thereof from the village treasurer, and to hold, occupy, and enjoy, use and possess, lease and incumber, and convey the same as fully and completely as a natural person might or could do.

Village lands
subject to taxa-
tion.

Subsequent
purchasers.

SEC. 73. All lands bid off by said village for non-payment of any tax or assessment levied under this act, shall continue liable to be taxed and assessed for all purposes the same as if owned by a natural person, and if in any event it shall occur that such lands or premises are advertised for sale under the provisions of this act, and struck off to a purchaser other than the village of Michigamme, and at the same time, the whole, or any part thereof, having already been struck off to the village of Michigamme, and remaining unredeemed from said village, or otherwise disposed of at the time the purchaser becomes entitled to receive a deed therefor, such purchaser shall in such case, before he shall be entitled to receive a deed for said premises, pay to the treasurer the amount of all such former assessments and costs for which said premises, or any part thereof, were so struck off to said village.

Corrections in
description may
be made.

SEC. 74. Whenever the said common council shall discover that any lands on which any tax or assessment remains unpaid have been so imperfectly or erroneously described that the same cannot in their opinion be located with certainty, or that sale thereof would not convey to the purchaser a valid title to the lands intended to be charged with such tax or assessment, by reason of the misdescription thereof, the said common council shall, by an order entered in its minutes, accurately describe such lands intended to be charged with such tax or assessment, and shall direct the recorder to rectify and correct the assessment roll on file in his office, containing such imperfect or erroneous description, so as to make it correspond to the accurate description contained in said order; and all copies of such assessment roll authorized or required by law to be made, shall be made to correspond therewith as rectified and corrected.

Power as to
licenses.

Duration and
termination of
licenses.

When bond may
be required.

SEC. 75. The common council shall have power to revoke any license issued under this act; to direct the manner of issuing and registering the same, and by what officer they shall be issued, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and all licenses for keeping saloons shall terminate on the first Monday of June in each year, and the person receiving the same shall, before the issuing thereof, if required by the common council, execute a bond to the village in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of such reasonable conditions as shall be imposed by the common council. The officer authorized to issue said license may inquire into the sufficiency of the sureties in such bond, by an examination under oath as to their property and responsibility, which oath may be administered by such officer. The common council shall have power to provide means for carrying into effect the powers herein conferred; to make ordinances for

General powers
of council.

assessing, levying, and collecting all taxes and assessments, and to sell the property taxed or assessed to pay the taxes or assessments thereon.

SEC. 76. No person shall be elected or appointed to any office created by this act, who is now or hereafter may be a defaulter to said village, or to the State of Michigan, or any county, city, township or village thereof. If any person holding any such office shall become a defaulter while in office, the said office is hereby declared vacant. No execution shall issue against the village for any judgment or costs recovered against it, but the common council shall allow and pay the amount of any final judgment or costs which may be recovered against the village, in the same manner as accounts are audited and paid by the village. The common council of said village may borrow for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor, bearing interest not to exceed ten per cent per annum: *Provided*, That the common council shall not borrow to exceed five thousand dollars for the purpose of buying a fire engine or building an engine house and other necessary fire apparatus, unless authorized to borrow a greater amount by a vote of the qualified electors of said village voting by ballot at the annual election, in a separate ballot-box: *And provided further*, That no greater amount than one thousand dollars of the principal thereof, exclusive of interest, shall be made to become due in any one year.

Defaulters
ineligible to
office.

Executions
against the vil-
lage, how paid.

Loan and bonds
for purchase of
fire engine.

Proviso—
limitation.

Further proviso.

SEC. 77. Any justice of the peace of the township of Michigamme aforesaid, is hereby authorized and empowered to inquire of, hear, and try and determine in a summary manner, all the offenses which shall be committed against any of the by-laws, ordinances, or regulations that shall be made, ordained, or established by the common council of said village in pursuance of the powers granted by this act, and to punish the offenders as by the said ordinances shall be prescribed or directed; to award all process and take recognizances for the keeping of the peace, for the appearance of the persons charged upon appeal, and to commit to prison as occasion shall lawfully require. In all prosecutions for the violations of any of the by-laws or ordinances passed by the said common council, upon complaint being made in writing by the village attorney, or by any other person upon oath before any justice of the peace of said township of Michigamme, setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender, directed to the marshal of said village or any constable of the said township of Michigamme, and such process may be executed by any of said officers anywhere within the counties of Baraga and Marquette, and shall be returnable the same as other similar process issued by justices of the peace; that upon bringing the person so charged before said justice of the peace, he shall plead to said complaint,

Jurisdiction of
justices.

Complaint and
warrant.

Who may serve
warrant and
where.

Arraignment,
plea, and hear-
ing.

- and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of "not guilty" for the person so charged; that upon said complaint and plea a trial shall be had, unless an adjournment is granted, and upon conviction of the said offender, and the imposition of a fine, it shall be the duty of the justice of the peace to issue forthwith an execution directed to the marshal of said village, or any constable of said county, commanding him to collect of the goods and chattels of the person so convicted the amount of such fine and costs of suits therein specified, and in default of such goods and chattels, or sufficient to pay such fine and costs, then to take the body of said defendant and convey him to the common jail of Marquette county, and such execution shall contain a further direction addressed to the keeper of the common jail of said county, commanding him in the name of the said people to safely keep said defendant for a period in said execution to be specified (not exceeding ninety days), or until he be discharged, according to due course of law, and it shall be the duty of the officer receiving such execution to proceed immediately and enforce the same, and the keeper of said common jail shall obey the commands of said execution, and safely keep said defendant according to the tenor thereof. In prosecutions for the violations of any of the by-laws or ordinances of said village, it shall not be necessary to plead or set forth any such by-laws or ordinance, or any of the provisions thereof in any complaint, pleading, warrant, writ, or process; but the same shall be deemed well and sufficiently pleaded and set forth by reciting the title to any such ordinance or by-law and the date of its passage or approval; and the court or officer before whom any such prosecution shall be tried, shall take notice without proof of the existence and provisions of such ordinance or by-law.
- Execution.** **SEC. 78.** All process issued by any justice of the peace to enforce or carry into effect any of the ordinances of the common council, shall be directed "To the marshal of the village of Michigamme, or any constable of the township of Michigamme;" and such process may be executed by any of said officers anywhere within the counties of Baraga and Marquette, and shall be returnable the same as other similar process issued by justices of the peace.
- To take body in default of goods, etc.** **SEC. 79.** In all trials under this act before any justice of the peace aforesaid, either party shall be entitled to a jury of six persons, and all the proceedings in the selection of such jury, and in the trial of such case, the rendering of the verdict and judgment, and the issuing of the execution shall be the same as in civil cases before justices of the peace in townships, except as is herein otherwise provided, and any person convicted before any justice for a violation of any ordinance of said village, or of any of the provisions of this act, may take a *certiorari* to the circuit court for Marquette county, within the same time and in the same manner, by making and filing an affidavit and bond or recognizance required to take a *certiorari* before justices of the peace in townships, and no common-law *certiorari* shall be allowed.
- Pleadings and evidence.** **SEC. 80.** No person shall be disqualified to act as a witness, juror,
- Style of process.**
- Where may be executed.**
- Trial by jury.**
- Certiorari to circuit court.**

justice, marshal, constable, or other officer, in any cause arising under the provisions of this act, or the ordinances passed pursuant thereof, because such person is an inhabitant of said village. If any judgment shall be rendered against the village of Michigamme in any action, suit, or proceeding, or in any case arising under the ordinances of the common council of said village, or under the provisions of this act, such judgment may be removed by appeal to the circuit court for Marquette county, by the village attorney or other authorized agent of the common council, filing with such justice a written notice within twenty days after the rendition of such judgment, briefly reciting that said village is aggrieved by such judgment, and appeals therefore to said circuit court; and said village may take a *certiorari* in any such case, suit, action, or proceeding, the same as natural persons, but no bond or recognizance shall be required in any such case, action, suit, or proceeding from said village.

Qualification of jurors and officers.

Appeal or certiorari in behalf of village

SEC. 81. The common council of said village shall be the board of health for said village, and may from time to time, as shall be necessary, appoint a competent physician to be the health officer thereof. The said board of health shall have power, and it shall be their duty, to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the village; to stop, detain, and examine for that purpose, every person coming from any place infected, or believed to be infected with such disease; to establish, maintain, and regulate a pest-house or hospital, at some place within the village or not exceeding three miles beyond its bounds; to cause any person not being a resident of the village, who is not an inhabitant of this State, and who shall be infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the village infected with any such disease to be removed to such pest-house or hospital if the health physician and two other physicians of the village, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the village or destroy any furniture, wearing apparel, or goods, wares, or merchandise, or other articles or property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass in such a state as to generate and propagate disease; to abate all nuisances of every description, which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and suppression of disease in the village, and to carry into effect and execute the powers hereby granted. The owner, driver, conductor, or other person in charge of any stage coach, railroad car, or other public conveyance, which shall enter the village having on board any person sick of a malignant fever, or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report in writing the fact,

Council to be board of health.

Powers of board.

Infectious diseases.

Pest house or hospital.

Removal of persons to pest house, etc.

Infected furniture and apparel.

Nuisances.

General powers.

Duty of persons in charge of public conveyance.

	with the name of such person, and the house or place where he was put down in the village, to the president or some member or officer of the board of health; and any and every neglect to comply with the provisions of this section, or any of them, shall be a misdemeanor, punishable by a fine not to exceed one hundred dollars and costs, or by imprisonment not more than ninety days in the county jail of Marquette county.
Penalty for bringing infected articles into village.	SEC. 82. Any person who shall knowingly bring or procure, or cause to be brought into the village any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable with fine and imprisonment, as prescribed in the preceding section.
Duties of keepers of public houses.	SEC. 83. Every keeper of an inn or boarding house or lodging house in the village, who shall have in his house at any time any traveler sick of any infectious, pestilential, or contagious disease, shall report the fact within six hours after he came to the house or was taken sick therein, to the president or some officer or member of the board of health. Every physician in the village shall report, under his hand, to one of the officers above named, the residence and disease of every patient whom he shall have sick of any contagious, infectious, or pestilential disease, within six hours after he shall have visited such patient. A violation of any of the provisions of this section shall be a misdemeanor punishable by fine and imprisonment, the fine not to exceed one hundred dollars and costs, nor the imprisonment three months in the county jail of Marquette county.
Duty of physicians.	
Penalty.	
Purification of grounds and foul places.	SEC. 84. The common council shall have power to pass and enact such ordinances with suitable penalties as it from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning, and regulating any grounds, yards, basins, slips, or cellars within the said village, that shall be sunken, damp, foul, or encumbered with filth and rubbish, or unwholesome, and for filling, or altering and amending all sinks and privies within the said village, and for directing the mode of constructing them in future, and cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the village, to be executed and done at the expense of the village corporation, on account of the persons, respectively, upon whom the same may be assessed, and for that purpose to cause the expense thereof to be estimated, assessed, and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said village; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred shall be briefly described in the manner required by law in the assessment roll for the general expenses of the village, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement
Expenses, to whom chargeable.	
How assessed and collected.	

upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

SEC. 85. The recorder shall be clerk of the said board of health, and it shall be his duty to attend the meetings thereof and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or any part thereof, shall be *prima facie* evidence of the facts therein contained in any court or before any officer. No person shall engage in or exercise the business or occupation of tavern-keeper, inn-keeper, common victualer, or saloon-keeper, within the limits of said village, until he is first licensed as such by the common council; and any person who shall assume to exercise such business or occupation without having first obtained such license, shall forfeit and pay, for every day he shall so exercise such occupation or business, the sum of five dollars, to be recovered by action of debt in the name of the village of Michigamme, before any justice of the peace of said township of Michigamme, together with the costs of prosecution, and in default of the payment of such penalty, to be imprisoned in the common jail of Marquette county not less than thirty days nor more than ninety days.

Recorder to be clerk of board of health.

Licensing keepers of public houses.

Penalty for exercising business without license.

SEC. 86. The common council shall prescribe in each ordinance the punishment for violating the same; the common council may impose such fines, penalties, or imprisonment, or both fine and imprisonment, for violating any ordinance of said village as it may think proper, and may give discretionary power to the justices of the peace trying any person for a violation of any such ordinance as to the punishment to be inflicted, and may limit the discretion of such justice in imposing punishment on such persons; but no greater penalty or fine shall be imposed than one hundred dollars and costs, or imprisonment not [to] exceed three months, or by both such fine and imprisonment, as shall be prescribed in the ordinance. The corporation of Michigamme shall have the use of the common jail of Marquette county for the imprisonment of any person held for want of bail, or convicted for violating any ordinance of said village.

Council may prescribe penalties for violation of ordinances.

May give justice discretionary power.

Limitation of penalties.

Use of common jail.

SEC. 87. No ordinance of the common council imposing any punishment, whether a fine, penalty, or imprisonment, or both, shall take effect until seven days after its passage. It shall be the duty of the recorder to publish all ordinances imposing punishments within two days after their passage, by publication in any newspaper printed in said village, or if no newspaper is published therein, then by posting up in three or more places in said village.

Ordinances to be published.

SEC. 88. A record or entry made by the recorder of the said village, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either—

When records to be evidence.

First, From a copy certified by the recorder of the village, with the seal of the village of Michigamme affixed; or,

Second, From the volume of ordinances printed by authority of the common council ;

Third, In the manner prescribed by the general laws of the State for proving the ordinances of villages. The records of said village shall be *prima facie* evidence of the facts therein contained in all courts and places.

Taxes not
invalid for
informality.

SEC. 89. No tax or assessment, general or special, ordinary or extraordinary, authorized by the provisions of this act, shall be held or deemed to be invalid for want of any matter of form, nor because the assessor omitted to assess all the descriptions of property in said village, nor because a portion of such tax or assessment was illegal, unless the party claiming such tax or assessment to be void shows affirmatively that the legal part of such tax or assessment was paid or tendered before the time for redemption expired.

Ordinances to
carry out the
spirit of this act.

SEC. 90. When any power is herein conferred upon the common council, or on any officer of said village, and the mode of executing such power is not described, or is insufficiently or defectively described, then the common council shall have power to pass appropriate ordinances to carry such power into effect.

Laws relating to
townships appli-
cable.

SEC. 91. The inhabitants of said village shall be liable to the operation of any and all the laws relating to township government, except so far as is herein otherwise provided.

This act a pub-
lic act.

SEC. 92. This act shall be deemed a public act, and shall be favorably construed in all courts and places.

Corporation to
succeed to rights
of *de facto*
village.

SEC. 94. The village of Michigamme hereby incorporated shall succeed to all corporate property of the *de facto* village of Michigamme, and the officers of said *de facto* village of Michigamme shall be officers of the village of Michigamme hereby incorporated until their successors are elected and qualified as is herein provided. All persons who have paid taxes under the organization of the *de facto* village of Michigamme, organized under the general village act of eighteen hundred and seventy-three, shall receive credit therefor on the first tax roll in said village under this act, upon presentation to the village treasurer at the time he is collecting the taxes, the receipts received for such taxes from the marshal of said *de facto* village.

Rights of per-
sons who have
paid taxes.

Council may
refuse or revoke
license to saloon.

SEC. 95. The common council shall have power to refuse a license to any person who, in the opinion of said council, is not a fit or proper person to be licensed for keeping a saloon or restaurant in said village. The common council shall also have the right to revoke any license at any time after it is issued. When a license is refused or revoked, as aforesaid, then if the person who has been refused a license, or whose license has been revoked, shall be found carrying on business as such saloon or restaurant keeper, he shall be punished in the same manner provided for punishing persons carrying on such business without a license, as provided in this act or the ordinances of the common council. The common council may, in its discretion, as a condition precedent to carrying on business, require all persons carrying on saloons to enter into a bond or recognizance to said village, in a sum not less than five hundred dollars nor more than three thousand dollars, with such reasonable

May require
bond.

and proper conditions for carrying on such business as the common council may by ordinance determine. The common council shall also have power to grade or classify the saloons of said village, as shall be deemed proper or expedient by said common council, and may fix the amount of license to be paid by each grade or class, subject to the limitations of, and other provisions of this act, and in establishing such grades or classes, the common council shall have power to require any saloon keeper to file answers, verified by affidavit, with the village treasurer, to any interrogatories touching the class or grade to which he belongs or may belong to, which interrogatories shall be of general application to all saloon keepers in said village, and may be adopted by resolution or ordinance of the common council. The common council shall have power to authorize the transfer or sale of licenses under such limitations as shall be prescribed by the common council, but each sale or transfer of a license must be acted upon separately.

May classify saloons.

May authorize the transfer of licenses.

SEC. 96. It shall be the duty of the marshal to proceed against any person who is carrying on business without the license required by the provisions of this act, and any other person having cognizance of the facts may also make complaint. Such proceedings may be by summons in an action of debt, in which case the person proceeded against shall, if adjudged liable, forfeit and pay to said village five dollars per day for each and every day that such person has carried on business without the license required by the provisions of this act, or after such license has been revoked, or such person may be proceeded against by complaint and warrant, in which case such person shall, upon conviction, be punished by fine not less than fifty dollars, nor more than one hundred dollars, or in default of payment of such fine with costs, by imprisonment not less than thirty days, nor more than ninety days in the county jail of Marquette county, in the discretion of the court. Any judgment rendered under this section shall be a bar to any other proceedings under this section, up to the commencement of the suit in which such judgment is rendered, providing such judgment is paid and satisfied, but not otherwise. It shall be no variance if on the trial it is shown that the defendant is only an agent or servant for some other party, but for all the purposes of this act the servant or agent shall be equally liable with his principal, and in all cases, under this section, one or more persons may be proceeded against in the same summons or complaint for keeping the same place of business for which a license is required, and on the trial any of such persons as shall not be proved guilty shall be acquitted, and the remainder may be adjudged liable or be convicted, and no plea of abatement to any complaint or summons shall be allowed for misjoinder or non-joinder of parties defendant. The words he, his, himself, as used in this act, shall be held and deemed to mean and include the words she, her, herself, respectively.

Prosecutions for pursuing business without license.

Penalty.

Effect of judgment.

Liability and joinder of persons.

Terms defined.

SEC. 97. All revenues derived from licenses under this act shall be expended in paying the debts of the village, lawfully contracted, in maintaining the fire department, in paying the salaries of village officers, or for any other lawful purposes under this act, in the

Moneys received for licenses, how expended.

Definition of saloon.	discretion of the common council. By the term saloon, as used in this act, it shall be held and deemed to include all places where beverages or other refreshments are kept for sale, and no person shall be exempt from paying a license because he or she sells intoxicating drinks in violation of law or not.
Common reputation evidence.	Whenever any person is complained of for keeping any place of business, without the license required by this act, or after such license is revoked, evidence tending to show that such person is reputed in the neighborhood to be the keeper or owner of such place of business, shall be competent on the trial of the cause to sustain the charge as made by the complainant. It shall not be necessary to show sales of refreshments or beverages to particular individuals. The defendant shall be competent as a witness in such cause, and subject to all the duties and liabilities of witnesses in civil cases before justices of the peace. Oysters, soda-water, and cigars shall be held and deemed to be refreshments within the meaning of this act, when kept for sale in any place of business where intoxicating liquors are kept for sale, no matter whether such liquors are sold in violation of law or not.
Defendant competent as witness.	
What to constitute "refreshments."	
When saloon keepers liable to suit in equity.	SEC. 98. Whenever the saloon-keepers of said village, to the number of ten or more, refuse to pay the license required by the common council, or by the provisions of this act, the president of the village, or common council of said village may proceed, by bill in equity and injunction, to compel such saloon-keepers to pay the license required, and to stop carrying on such business of a saloon until such license is paid. Such suit or suits in equity shall be entirely independent of any action at law authorized by this act against such saloon-keepers for non-payment of license. Such bill shall be filed in the circuit court in chancery for the county of Marquette, and the injunction may be allowed by the proper officer as in other injunction suits, and any person violating such injunction shall be punished as in other cases for the violation of injunctions. The proceedings shall be the same as in other chancery cases, except as herein provided to the contrary. The village of Michigamme shall be complainant, the said saloon-keepers, to the number of ten or more, shall be defendants. New parties defendant may be added to the bill at any stage of the proceedings before the final hearing, and an injunction shall issue against such new parties from time to time as they are made defendants. The remedy in equity may be carried on simultaneously with the remedies at law herein given. The jurisdiction of the circuit court in chancery shall be full, adequate, and complete, and shall be liberally construed for the purpose of enforcing the provisions of this section. The village may discontinue as to any of the defendants in said bill whenever such defendants comply with the ordinances of the common council, or provisions of this act, and the court shall have jurisdiction to proceed to a final decree against the remainder. The hearing shall be in open court as in a suit at law. The bill and answer must be both verified.
B remedy at law not remitted.	
Parties to suit.	
New parties may be added.	
Jurisdiction to be full and complete.	
When may discontinue as to part of defendants.	
Hearing in open court. Bill and answer to be verified.	

SEC. 99. This act shall take immediate effect.

Approved April 27, 1875.

[No. 369.]

AN ACT to organize the union school district of the village of South Lyon.

SECTION 1. *The People of the State of Michigan enact*, That ^{Boundaries.} the territory embraced within the limits following, to wit: The southwest quarter of section twenty, the northwest quarter of section twenty-nine, the north half of fractional section thirty, and the south half of fractional section nineteen, situated in the township of Lyon, county of Oakland, be and the same is hereby declared to be a graded or high-school district, which shall be a body corporate, by the name and style of "Union school district of the village of South Lyon," and by that name may sue for all lawful ^{Body corporate.} debts owing to, and may be sued for all lawful debts contracted by the board of trustees, and shall be subject to all the general laws of this State relative to corporations as far as the same may be applicable; and shall be subject to the same general laws as other school districts as far as the same may be applicable.

SEC. 2. Said school district shall have all the powers conferred ^{Subject to general laws.} upon graded school districts by act number one hundred and sixty-one of session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, being an act entitled "An act to establish graded and high schools," and may, at the next annual meeting, elect a board of trustees as provided in section one of said act. ^{Act 161, laws of 1859.}

Approved April 28, 1875.

[No. 370.]

AN ACT authorizing the Governor to sign and cause to be issued a patent or deed for the northeast quarter of the northwest quarter of section sixteen, in township five north, of range sixteen east, to Joseph Probst.

Whereas, Porter Kibbee, Commissioner of the State Land Office, ^{Preamble.} did, on the fourteenth day of January, eighteen hundred and fifty-one, issue to John J. Falkinberry of St. Clair county, a certificate of purchase for the northeast quarter of the northwest quarter of section sixteen, in township five north, of range sixteen east, being primary school land certificate number three thousand one hundred and thirty-three;

And whereas, John J. Falkinberry did, on the seventeenth day of January, eighteen hundred and fifty-one, assign an undivided one-half of said certificate to John Canan;

And whereas, Harman Chamberlain, administrator of the estate of John J. Falkinberry, did, on the second day of April, eighteen hundred and fifty-eight, assign to John Canan an undivided half of the said certificate, without, as it appears, having the proper authority from the judge of probate to convey the land;

And whereas, John Canan did, on the sixth day of April, eighteen hundred and fifty-seven, assign to Wilder S. Chafee, an

and the same to be and vesting, which assignment was in full of the same.

On the 21st day of March 1875, the second day of April, 1875, the same was assigned to Angus McDonald and the same to be and vesting:

As the same Angus McDonald did on the 21st day of April, 1875, the same was assigned to Angus McDonald and the same to be and vesting, which assignment was in full of the same to Angus McDonald and the same to be and vesting:

As the same Angus McDonald did on the 21st day of April, 1875, the same was assigned to Angus McDonald and the same to be and vesting, which assignment was in full of the same to Angus McDonald and the same to be and vesting:

As the same Angus McDonald did on the 21st day of April, 1875, the same was assigned to Angus McDonald and the same to be and vesting, which assignment was in full of the same to Angus McDonald and the same to be and vesting:

As the same Angus McDonald did on the 21st day of April, 1875, the same was assigned to Angus McDonald and the same to be and vesting, which assignment was in full of the same to Angus McDonald and the same to be and vesting:

As the same Angus McDonald did on the 21st day of April, 1875, the same was assigned to Angus McDonald and the same to be and vesting, which assignment was in full of the same to Angus McDonald and the same to be and vesting:

As the same Angus McDonald did on the 21st day of April, 1875, the same was assigned to Angus McDonald and the same to be and vesting, which assignment was in full of the same to Angus McDonald and the same to be and vesting:

mixed, and rights of action belonging to said township of Algonquin, and shall assume and pay any and all lawful debts and claims against said township, and the officers of said township of Algonquin shall, upon this act taking effect, deposit the records, books, vouchers, papers, money, and other property whatsoever, belonging to said township of Algonquin, with the corresponding officers of Greenland township, who are hereby declared to be the successors of the township of Algonquin.

Debts and
claims.

Records.

SEC. 3. The board of school inspectors of Greenland township shall, after this act takes effect, re-number the school districts of the township of Algonquin, as school districts of the township of Greenland, at a special meeting of such school inspectors to be held as provided by law.

School inspect-
ors.

SEC. 4. This act shall take immediate effect.

Approved April 28, 1875.

[No. 372.]

AN ACT to amend sections one and five of article thirteen, section three of article fourteen, and sections five and nine of article fifteen, of act number two hundred and seventy-five of the session laws of eighteen hundred and seventy-one, entitled "An act to re-incorporate the village of Eaton Rapids," approved April fifteenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* sections one and five of article thirteen, section three of article fourteen, and sections five and nine of article fifteen, of act number two hundred and seventy-five, of the session laws of eighteen hundred and seventy-one, entitled "An act to re-incorporate the village of Eaton Rapids," approved April fifteenth, eighteen hundred and seventy-one, be and the same hereby are amended so as to read as follows:

Sections
amended.

SEC. 1. The assessor of said village shall, once in each year, and on or before the second Monday of May, make an assessment roll containing a description of all the real estate and valuation of the personal property liable to taxation in said village, and all such property shall be assessed to the owner thereof, if such owner can be ascertained by such assessor; and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such real and personal property in separate columns; and in case said assessor shall be unable to ascertain the name of such owner, then said property shall be assessed to the occupant or person in possession of the same, and all unoccupied real property shall be so designated in said assessment roll.

Assessment roll.

SEC. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway tax to be raised; *Provided, That* at any time while such roll is in the hands of said board, or at any time thereafter, and before such taxes shall be

Examination of
trustees.

When property
assessed to
wrong person.

actually received by the marshal, if it shall appear to said board of trustees that any property, real or personal, has been assessed to the wrong person, company, or corporation, said board shall have authority to declare by resolution such improper assessment, and to whom the same should have been assessed; and a copy of such resolution or resolutions shall be thence forthwith by the village clerk certified as such copy, and attached to said assessment roll, which resolution shall be final as to the liability of the person, company, or corporation specified in such resolution, as the one to whom such assessment should have been made for such taxes assessed on said property, and thereupon such marshal shall collect and receive from such person, company, or corporation, so named in said resolution, as such proper person, company, or corporation, such taxes, the same as though said property had been so originally assessed, and which said resolution shall be a complete protection to such marshal against the claim of any person, company, or corporation therein named as so liable, on account of the levy or collection of such taxes.

ARTICLE XIV.

Warrant of collection may be renewed.

SEC. 3. The assessor shall renew said warrant from time to time, when instructed by resolution of the board of trustees: *Provided*, That said renewal or renewals, when more than one is had, shall not extend or aggregate more than six months after the expiration of the forty days mentioned in the preceding section two.

ARTICLE XV.

Return of unpaid taxes.

SEC. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make return thereof with the amount uncollected, within ten days after the time for such collection shall have expired, to the treasurer of said village, which return shall be conclusive as to the facts therein stated, and of his inability to so collect said taxes; and all taxes levied or assessed upon real estate, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate from the time of such levy or assessment until the same be paid.

Taxes lien upon land.

When less than entire description is sold.

SEC. 9. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof so sold shall be taken from the north side of such description; and in case any parcel of such real estate so offered for sale, shall not at such sale be sold to or bid off by any purchaser, such description shall be deemed to be bid off by the corporation (the village of Eaton Rapids), and such corporation shall be regarded as the purchaser of such parcel entire, at such sale, and as such purchaser, shall be entitled to all the rights and privileges of an actual purchaser at such sale.

When corporation to be deemed purchaser.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1875.

[No. 373.]

AN ACT to amend section twenty-two of an act entitled "An act to establish a police government for the city of Detroit," as amended by the act of April seventeenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-two of an act entitled "An act to establish a police government in the city of Detroit," approved April seventeenth, eighteen hundred and seventy-one, be amended so as to read as follows:

SEC. 22. It shall be the duty of the board of police to prepare and submit to the controller on or before the first day of March in every year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city within the current fiscal year, which estimate shall be in detail, and shall be laid by the controller before the common council with his annual estimate, and the same shall be by the common council of said city submitted to the board of estimates of said city, and so much thereof as shall be approved shall be provided for in the general tax assessment by levy to be laid on said city, and collected with other city taxes. Said money shall be paid by the receiver and collector of taxes to the treasurer of said city, who shall once a week or oftener, pay the same to the treasurer of the board of metropolitan police. The moneys so collected shall constitute and be styled "the metropolitan police fund." The said board of police shall appoint a treasurer who shall be the custodian of the money of said fund, and deposit the same in such place, and in no other, as he shall be directed by said board. He shall give security to said board that he will keep said money in said place and in no other; that he will pay the same upon the order of said board, and in all respects account for the disposition of the same, and that he will perform faithfully the duties of treasurer. Said treasurer shall be appointed to serve during the discretion of the board.

Section amended.

Board to make an annual estimate of expenses.

Estimate submitted to board of estimates.

Amount approved to be provided for by tax levy.

Payment of money to city treasurer.

To treasurer of board of police.

Style of fund.

Treasurer of board.

Security of same.

Term of office.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1875.

[No. 374.]

AN ACT to organize the township of Denton, in the county of Roscommon.

SECTION 1. *The People of the State of Michigan enact, That* township twenty-two north, ranges one, two, and three west, in the county of Roscommon, be and the same is hereby organized into a separate township by the name of Denton.

Township organized.

SEC. 2. The first election in said township shall be held at the house of Alfred A. Denton, on the first Monday of April, eighteen hundred and seventy-five, which said election shall be conducted according to the statutes in such cases made and provided, and Alfred A. Denton, Peter W. Prudent, and J. W. Denton are hereby constituted and appointed inspectors of said election.

First election.

If election not held, may be at subsequent time.

SEC. 3. If for any reason the township meeting aforesaid shall not be held at the time named, it shall be lawful to hold the same on any day thereafter by giving at least ten days' notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

SEC. 4. This act shall take immediate effect.

Approved April 29, 1875.

[No. 375.]

AN ACT to amend sections six, nine, thirteen, fourteen, seventeen, and twenty-nine of an act entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-second, eighteen hundred and seventy-three.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections six, nine, thirteen, fourteen, seventeen, and twenty-nine of an act entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-two, eighteen hundred seventy-three, be and the same are hereby amended so as to read as follows:

May establish grade of streets.

Sewers, reservoirs, etc.

Grading, paving, etc.

Lateral sewers, etc.

Improvements to be done under direction of board of public works.

Contracts and specifications.

Disbursement of moneys.

SEC. 6. Said board of public works is hereby empowered to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks, and public grounds, in said city; to locate all necessary sewers, drains, culverts, vaults, arches, and bridges, wells, pumps, and reservoirs in said city; to cause to be graded, graveled, paved, planked, or covered with other materials, all such streets, highways, lanes, alleys, sidewalks, and public grounds in said city; and to construct all such main and lateral sewers, drains, culverts, vaults, arches, and bridges, wells, pumps, and reservoirs in said city, as the common council of the city of Grand Rapids shall by resolution declare to be necessary improvements.

SEC. 9. The paving, grading, graveled, planking, or covering with other materials, of all streets, highways, alleys, lanes, sidewalks, and other public places; the building and construction of all sewers, drains, culverts, arches, and bridges, wells and reservoirs, and the erection of public buildings and works, which the common council shall by resolution declare to be necessary improvements, shall be done under the direction and supervision of the board of public works, and upon contracts and under plans and specifications to be prepared by the executive member thereof, and approved by such board; and all moneys raised or appropriated by the common council for such purposes shall be expended by said board of public works for the purposes designed so far as shall be necessary, and to be drawn from time to time from the appropriate fund, by order of the council, upon estimates of amounts earned or payable to be made by the board and reported to the council; and no money shall be drawn from the city treasury under this act, except upon the order of the common council:

Provided, That all contracts prepared in accordance with this section or any section of this act or the act of which this act is amendatory, shall be first submitted to the common council of said city for approval before the adoption and execution thereof, and the said council shall have power to reject said contracts, if it shall see fit so to do. Proviso.

SEC. 13. Said board of public works is hereby authorized and empowered to cause the city of Grand Rapids and its inhabitants to be supplied with water, and to procure such supply from any source or sources within or without the limit [limits] of said city; to determine the kind and quantity of power and machinery required therefor, the pipe, conduits, and reservoirs to be used, and the manner and extent of distribution in said city. Said board may contract for constructing all necessary works, the doing of all necessary labor, and for the purchase and manufacture of all necessary material appertaining to procuring, storing in, and furnishing to said city and its inhabitants a supply of water. Said board may purchase and lease lands, water rights, and other privileges deemed necessary in effecting such supply; they may lay pipes in the streets and public grounds, lanes and alleys of said city, and establish and erect fire hydrants and public hydrants, jets and fountains. Said board of public works shall establish the rates to be paid by consumers of water, and the terms and conditions upon which consumers of water furnished by said water works shall be entitled to be supplied; and said board shall, when requested by the common council, furnish to said council a full descriptive list, by plat or otherwise, of all lots and other real property fronting on water mains and not using water therefrom; and the said common council is hereby authorized and empowered to make an assessment, not exceeding five cents per front lineal foot, on said lots and other real property, as it may determine, and the same shall be assessed and collected as is provided in the revised charter of said city of Grand Rapids for the assessment and collection of other taxes, and when collected shall be paid into the water works fund: *Provided*, That before any contract for constructing said water works and furnishing materials therefor shall have been entered into, the common council shall provide the means to meet the estimated cost thereof. Water works authorized.

SEC. 14. The board of public works shall make an estimate of the cost and expense of said water works, and of the materials necessary to be used therein, and report the same to the common council, and thereupon it shall be the duty of the common council to provide the means or funds to meet the cost and expenses of the same according to said estimate, in the manner provided by law: *Provided*, That the existing provisions of law in reference to submitting to a vote of the electors of said city any matters involving supplying said city with water shall not be deemed to be affected by any provision of this act, but said provisions of law requiring said vote of the electors of said city, shall not apply to extensions of mains heretofore laid and the enlargement and perfection of the water works heretofore established by virtue of said vote of said Machinery and fixtures.
Contracts for construction.
Acquiring lands.
Pipes, hydrants, etc.
Water rates.
Property fronting on water mains may be assessed.
Council to provide means before contract let.
Board to make estimate.
Council to provide means.
Vote of electors.

Limitation of amount.	electors: <i>And provided further</i> , That said council shall not borrow for said purpose more than one hundred thousand dollars in the year eighteen hundred seventy-five, and not more than fifty thousand dollars in any year thereafter.
Board may make surveys.	SEC. 17. The said board, and under its direction, their agents, employes, and workmen, are hereby authorized to enter upon any land or water, within or without the limits of the said city of Grand Rapids, for the purpose of making surveys, and to agree
Agreement with owners.	with the owners of any property, rights, or privileges which may be required for the purpose of obtaining or conveying a supply of water to, in, or through said city; as to the amount of compensation to be paid to such owner, and in case of disagreement between the board and the owners of any property, rights, or privileges which may be required for such purpose, or affected by any operation connected therewith; as to the amount of compensation to
If owner infant, etc.	be paid to such owner, or in case such owner shall be an infant, or insane, or absent from the State, the same shall be reported by the said board to the common council of the city of Grand Rapids aforesaid, and thereupon the said council shall cause such proceedings to be instituted in the name and behalf of the said city as are prescribed in the act entitled "[An] act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning or operating any railroad in this State," being act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, approved May one, eighteen hundred and seventy-three, and prosecuted according to the provisions of said act, as near as may be, for the purpose of acquiring such property, rights, or privileges; except that the three commissioners provided for in said act shall in this case be competent and disinterested freeholders residing in the township or municipality where the said property, rights, or privileges are situated, and in case the jury of twelve freeholders, also provided for in the act aforesaid, shall be empaneled, the said jury shall also consist of competent and disinterested freeholders residing in the township or municipality where the said property, rights, and privileges are situated; and when the amount found by said commissioners or jury, and reported as damages, shall be paid into the city treasury by the common council for the aforesaid owners, the said board shall have the right to accept so much of said property, rights, or privileges as is covered by the report or finding of the said commissioners or jury, for all purposes contemplated by the proceedings aforesaid, and the person in whose behalf said report or finding is made or reported, shall be entitled to draw the amount from the treasury of the said city, upon giving receipt therefor, expressing therein that such sum is in full for all damages in the premises.
Commissioners or jurors to be drawn from municipality where property is situated.	
Payment of award, acceptance of property, etc.	
City clerk to be clerk of board.	SEC. 29. The city clerk shall be the clerk of said board, and in person or by deputy attend upon the sessions of, and record the business transactions of the board, keep account books, and enter therein all receipts and expenditures touching public improve-

ments under control of the board and all receipts and expenditures connected with water works and water rates, and discharge such other duties appertaining to such records and accounts as the board shall require. The common council of said city shall have power to appoint one or more deputies of the city clerk, and fix the compensation of such deputy. Every person so appointed shall have power to discharge the duties devolving by any law upon the city clerk. The board of public works shall have power to employ all necessary agents and employés not otherwise provided for in this act, and fix their compensation: *Provided, however,* That no such agent or employé shall be employed or compensation fixed until the contracts therefor shall have first been submitted to the common council of said city and by it approved.

Council may
appoint deputies

Board may
employ agents.

Proviso.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1875.

[No. 376.]

AN ACT to re-incorporate the village of St. Charles.

SECTION 1. *The People of the State of Michigan enact,* That the territory embraced within the plat of the village of St. Charles, and also that embraced within the plat of Mickle, Lytle and Hanchett's additions to the village of St. Charles, as the same are recorded in the office of the register of deeds for Saginaw county, which said territory lies within the township of St. Charles, in Saginaw county, shall be and the same is hereby re-incorporated as a village by the name of the village of St. Charles.

Boundaries.

Re-incorporation

SEC. 2. All the by-laws and ordinances of said village are continued in force until the same shall be changed in accordance with law.

By-laws continued in force.

SEC. 3. The present officers of said village shall continue in office until their successors shall be elected and qualified in accordance with the provisions of this act and the general law relating thereto.

Officers to continue in office.

SEC. 4. The time and place of holding the first election under this act shall be fixed by the present board of trustees of said village; but such time shall not be more than sixty days after this act shall take effect as law; and all the provisions of law relating to the holding of village elections shall be applicable to such election, except as herein otherwise provided.

First election.

SEC. 5. The said village of St. Charles is hereby made subject to the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five; and the said village hereby re-incorporated shall possess all the rights and powers and be subject to all the duties and liabilities prescribed in said last named act. The village as re-incorporated shall possess all the property and rights, and be subject to all the liabilities and obligations of the village as heretofore incorporated.

Subject to general law.

Rights and liabilities reserved.

SEC. 6. This act shall take immediate effect.

Approved April 29, 1875.

[No. 377.]

AN ACT to divide the township of East Bay, in Grand Traverse county, into two precincts for the purpose of holding general elections therein.

Election precincts Nos. 1 and 2.

SECTION 1. *The People of the State of Michigan enact*, That the township of East Bay in Grand Traverse county is hereby divided into two precincts for the purpose of holding general elections, and shall be known as "election precinct number one," and "election precinct number two." All that part of said township of East Bay, described as follows, to wit: Township twenty-seven north, of range ten west (except sections one, two, three, four, and the north half of sections ten, eleven, and twelve in said township) shall constitute election precinct number one, and the remainder of said township of East Bay shall constitute election precinct number two.

Elections in 1876.

SEC. 2. At the general election to be held in November, eighteen hundred and seventy-six, John Black, Morris Mahan, and George Richardson are hereby authorized to act as inspectors of election in precinct number one, which said election shall be held at the school-house in school district number three in said township. At the general election to be held in November, eighteen hundred and seventy-six, election precinct number two shall be held at the usual place of holding elections in said township, and shall be conducted by the same officers as is now provided by law.

Votes of each precinct to be canvassed separately.

Inspectors to meet on following day.

SEC. 3. At the general election to be held in November, eighteen hundred and seventy-six, the inspectors herein appointed shall, at the close of the polls, publicly canvass the votes and announce the result of each precinct, and on the following day both boards of inspectors shall meet at the store of H. K. Beecham, in the village of Acme, in election precinct number two, and declare the result, and at all subsequent elections in said township, the inspectors of election of each of said precincts shall, on the day following any general election, file with the township clerk of said township a statement submitted by them, setting forth the names of the persons voted for, and the whole number of votes cast for each of such persons at such election, and the name of the office voted for, and the supervisor, township clerk, and township treasurer shall constitute a board of township canvassers to canvass the votes, and declare the result of the election in said township, according to the statements of such election filed with the township clerk as aforesaid. Said board of township canvassers shall, on the day following said election, canvass and declare the result of said election. The supervisor shall be chairman, and the township clerk shall be clerk of said board, and all the proceedings before said board shall be the same as before boards of county canvassers in canvassing the votes and declaring the result of county elections, except as herein provided to the contrary.

Statement to be filed with township clerk.

Board of township canvassers.

Clerk to send for statements if not filed.

SEC. 4. In case the inspectors of election fail to file such statements with the township clerk by two o'clock in the afternoon of the day following any general election, it shall be the duty of the

township clerk to send immediately for such statements, and said board of canvassers may adjourn from day to day until said statements are procured.

SEC. 5. Elections shall be held and conducted in each precinct in said township, in the same manner as in other townships under the general laws of this State, except as herein provided to the contrary.

Manner of conducting elections.

SEC. 6. At all subsequent elections held in said township, the supervisor, clerk, and justice of the peace whose term of office will first expire, will be inspectors of election in the precinct in which they reside, and the township board of said township shall have the right, on or before the Saturday preceding any general election, to appoint three additional inspectors of election for either or both of said precincts, as the case may be, and according as it may be necessary, and in case no inspectors are appointed or do not appear, the electors present at the time for opening the polls, at each precinct, may choose inspectors of election to fill any vacancy that may occur.

Inspectors at subsequent elections.

SEC. 7. The inspectors of elections of each precinct shall have the same powers as inspectors of election in other townships, and all elections shall be held at the same places that the last election was held, unless it becomes impracticable to do so, when the inspectors of each precinct may adjourn to the nearest convenient place to where said last election was held, the same as inspectors in other townships with only one voting place may do.

Power of inspectors.

Place of holding election.

SEC. 8. The persons herein constituted a board of inspectors in precinct number one shall also constitute a board of registration in such precinct for said first general election to be held in eighteen hundred and seventy-six. They shall meet at the store-house of said H. K. Beecham in the village of Acme, on the Saturday preceding said first election, together with the board of registration for precinct number two, and shall then and there proceed to make a registration of the electors in each precinct the same as in townships with one voting place.

Board of registration in 1876.

SEC. 9. The township clerk shall be the custodian of the registers of electors, and at all subsequent elections there shall be a board of registration and a register of electors in each precinct, as follows: The supervisor, township clerk, and treasurer shall be members of the board of registration of the precinct in which they may reside, and the township board of said township shall, on or before the Friday preceding any election, appoint persons sufficient in number with said supervisor, clerk, and treasurer to form a board of registration of three in number in each precinct.

Clerk to keep records.

Board of registration at subsequent elections.

SEC. 10. It shall be the duty of each board [of] registration to assemble at some convenient place in each precinct (to be designated by the township board) on the Saturday preceding any election, as in other townships, of which ten days' previous notice of the time and place of meeting shall be given by the township board, and shall then and there proceed to register the names of all applicants having the necessary qualifications. Said inspectors and members of the board of registration shall take the constitutional

Duties of boards of registration.

Inspectors and registrars to be sworn.

Registration,
where held.

Filling of vacan-
cies in board.

General powers
and duties.

oath of office before entering on the discharge of the duties of their office. In case no place is designated for holding the session of said board of registration, it shall be held in each precinct at the place where the last session of the board of registration was held, and the electors present at the time when such board shall assemble shall have power to fill all vacancies that may occur in said board. Said board of registration in each precinct shall proceed in the same manner as in townships having but one board of registration, and shall have all the powers and be subject to all the liabilities of other boards of registration in the other townships of this State, and all the laws relating to the registration of electors of this State shall apply to the registration of electors in said precincts the same as in townships with only one voting place.

SEC. 11. This act shall take immediate effect.

Approved April 29, 1875.

[No. 378.]

AN ACT to detach the township of Cleon from the county of Manistee, and attach the same to the county of Wexford.

Township
detached and
attached.

SECTION 1. *The People of the State of Michigan enact*, That the township of Cleon, in the county of Manistee, being township twenty-four north, of range thirteen west, be and the same is hereby detached from the county of Manistee, and attached to the county of Wexford.

Duty of inspect-
ors of election.

SEC. 2. It shall be the duty of the inspectors of elections of said township of Cleon, after this act shall take effect, to make the election returns of said township to the county clerk of Wexford county.

SEC. 3. This act shall take immediate effect.

Approved April 30, 1875.

[No. 379.]

AN ACT to prevent the spread of the contagious disease of the peach tree known as the yellows, in the counties of Allegan, Van Buren, and Ottawa, and to provide measures for the eradication of the same.

Trees infected
subject to de-
struction.

SECTION 1. *The People of the State of Michigan enact*, That any and all trees in the counties of Allegan, Van Buren, and Ottawa, whether peach, almond, apricot, or nectarine, infected with the contagious disease known as the yellows, shall be held to be without pecuniary value, and the fruit unfit for use as food; and that, as the best known means of preventing the spread of such disease, both tree and fruit so infected shall be subject to destruction as public nuisances.

SEC. 2. In any township of the counties of Allegan, Van Buren, and Ottawa, in which the contagious disease of the peach, almond,

apricot, or nectarine tree, known as the yellows, is believed to exist, or in which danger may be apprehended of its spread or introduction, it shall be competent for any five or more residents of the same or of an adjoining township to make allegation of such belief or apprehension, in writing, addressed to the township board of such township, and requesting them to take measures, as hereinafter provided, to prevent the spread of such contagious disease, and for the eradication of the same, which request must be filed with the clerk of the township in which such application is made.

Request to township board to take measures to prevent spread of disease.

SEC. 3. It shall be the duty of the township clerk, on receipt of the request specified in section two of this act, to call a meeting of the township board within ten days thereafter; and upon the assembling of said board to lay such allegation and request before them; whereupon it shall be the duty of said board to appoint a discreet and suitable person as commissioner, who shall hold his office during the pleasure of said board; and to said commissioner shall be submitted any and all complaints of the existence or impending introduction of said contagious disease, arising under the provisions of this act, within such township.

Clerk to call meeting of board and lay request before them.

Board to appoint commissioner, his term of office, etc.

SEC. 4. Complaints of the existence or impending introduction of said disease may be made by any one or more residents of the same or of an adjoining township, and must be in writing, addressed to said commissioner, and must state distinctly the premises on which such disease is alleged to exist, or the name and residence of the owner, and the place of distribution, shipment, or exposure for sale of the fruit alleged to be so infected.

Complaints to commissioner.

SEC. 5. It shall be the duty of such commissioner, on the receipt of any such complaint, to proceed without unnecessary delay to the examination of the alleged case or cases; and if he shall become satisfied of the actual existence of the yellows in standing trees, he shall affix a distinguishing mark to each tree so affected, and immediately notify the owner or occupant of the premises on which such trees shall be standing, in person, or by leaving a written notification at his usual place of residence, requiring him, within five days from the date of such notice, to uproot and effectually destroy, by fire or otherwise, the trees so designated; and in the case of affected fruit introduced into the township, or distributed, shipped, or offered for sale therein, he shall in the same manner notify the owner or person in charge thereof to withhold the same from distribution, shipment, or sale; and to destroy the same within the above named period of five days from the date of such notice.

Commissioner to examine trees and fruit, and to order the same, if affected, destroyed.

SEC. 6. In case the trees decided to be so infected shall be upon non-resident lands, it shall be the duty of the commissioner to give the required notice, by posting a copy of the same at some conspicuous place upon said non-resident premises, and by serving a copy of the same upon any resident of the township or vicinity who may be in charge of such premises, and by also directing a copy of such notice, by mail, to the owner of said premises, if his name and residence shall be known.

Notice when trees are upon non-resident lands.

SEC. 7. Whenever the person or persons who shall have been

When commissioner to destroy trees or fruit.

served with the notice or notices provided in sections five and six of this act, shall refuse or neglect to comply with the requirements of the same, within the period therein prescribed, it shall be the duty of said commissioners to immediately enter upon the premises and effectually uproot and destroy such affected or diseased trees or fruits.

Proceedings when owner considers himself aggrieved.

SEC. 8. Any owner or occupant of premises, on which such condemned trees or fruit shall be, who shall consider himself aggrieved by the decision of the commissioner, may, within three days from the date of the notice served upon him, by a written notification, inform said commissioner of his purpose to contest the decision as to the diseased or infected character of such trees or fruit; whereupon it shall be the duty of such commissioner, forthwith, to notify the members of the township board to assemble on the premises on which such trees or fruit shall be, on the day on which the aforesaid notice requiring the destruction of such diseased trees will expire; then and there to examine the trees or fruit in question, and to hear such evidence as shall be presented, bearing upon the question at issue; and if said township board, or a majority thereof, shall, after a proper hearing of the case, decide that said trees are so diseased or affected, they shall direct said commissioner, without unnecessary delay, to uproot and destroy the trees in question, or to destroy the fruit, as the case may be; unless the owner or occupant shall forthwith proceed to do so.

Expenses.

SEC. 9. In any case in which an owner or occupant of premises, or a person in charge thereof, shall be notified by a commissioner of the diseased or infectious character of any trees or fruit thereon, whether grown thereon or imported; and in which such owner, occupant, or person in charge shall refuse or neglect, in compliance with such notice, after its confirmation by the township board, to destroy such trees or fruit, the expenses of the commissioner, in effecting such destruction, including the cost of the assembling of the township board, and of the evidence necessarily produced in the case, shall be a charge: *firstly*, upon the defendant, in the case; or, *secondly*, upon the premises upon which such trees or fruit shall be grown.

Liability of owners who refuse to comply with order of commissioner.

SEC. 10. Any owner, occupant, or person in charge of premises or fruit, who shall refuse or neglect to comply with the order of the commissioner, for the destruction of diseased or affected trees or fruit, upon the confirmation of such order by the township board as provided in this act, shall be liable to a fine, to be imposed at the discretion of such township board, not exceeding one hundred dollars, with costs, to include those of the commissioner and of the township board; the same to be certified to the supervisor of the township, and by him collected in an action of assumpsit, before any justice of the peace having jurisdiction of the case; or, upon the order of said board, to be included in the next annual tax list, and collected as a tax upon the premises upon which such trees or fruit shall be grown.

Collection of penalty.

Fines to be credited to general fund.

SEC. 11. The proceeds of all fines, accruing under the provisions of this act, shall be paid into the treasury of the township, to the

credit of the general fund; and the commissioner and the members of the township board shall, for services rendered under the provisions of this act, be allowed the same rate per diem that is by law allowed for ordinary sessions of said board, which shall be paid from said general fund. Fees of commissioner, etc.

SEC. 12. This act shall take immediate effect.

Approved May 1, 1875.

[No. 380.]

AN ACT to authorize the drain commissioner of the township of Wheeler to re-assess the ditch tax on the Tubbs-Wheeler township ditch number one.

SECTION 1. *The People of the State of Michigan enact*, That the township drain commissioner of the township of Wheeler, in the county [of] Gratiot, is hereby authorized to re-assess upon the lands benefited thereby such sum as may be necessary to pay for the construction of the Tubbs-Wheeler township ditch number one, in said township of Wheeler: *Provided*, That the amount so assessed shall not exceed one hundred and seventy dollars. Re-assessment
Proviso.

SEC. 2. Whenever the said drain commissioner shall have completed the assessment as prescribed in the preceding section, he shall certify to the supervisor of said township of Wheeler the amount of such assessment and the amount assessed by him against each description of land benefited thereby, and such assessment shall be made and certified to said supervisor on or before the first day of October, in the year of our Lord one thousand eight hundred and seventy-five. Amount of re-assessment to be certified to supervisor.

SEC. 3. The supervisor of said township of Wheeler is hereby authorized and directed to enter upon the tax roll of said township of Wheeler, in a separate column, opposite the descriptions benefited by said ditch as shown by the certificate of said drain commissioner, the amount assessed upon the respective descriptions, and said tax shall be collected in accordance with the provisions of the township drain law. Tax to be levied.

SEC. 4. This act shall take immediate effect.

Approved May 1, 1875.

[No. 381.]

AN ACT to detach certain territory from the township of Gladwin, in the county of Gladwin, and attach the same to the township of Grout, in said county of Gladwin.

SECTION 1. *The People of the State of Michigan enact*, That townships eighteen north, of range one west, and eighteen north, of range one and two east, in the county of Gladwin, be and the same is hereby detached from the township of Gladwin, and attach the same to the township of Grout, in said county of Gladwin, and that the township of Grout shall be liable to and shall pay the pro Territory detached and attached.
Equities of indebtedness.

rata amount of the present indebtedness of the said township of Gladwin according to the territory detached, and based on the last assessed valuation.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1875.

[No. 382.]

AN ACT appropriating the interest arising from the non-payment of taxes on part-paid swamp lands in certain townships in Van Buren county, for the drainage and reclamation of the same.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That all sums of money accrued and unpaid, or that shall hereafter accrue for the term of ten years after the passage of this act from interest arising from the non-payment of taxes on part-paid swamp lands in the townships of Hamilton, Decatur, and Paw Paw, in the county of Van Buren, are hereby appropriated, when collected, to the drainage and reclamation of swamps in the several townships named: *Provided*, That all moneys received under this act shall be expended under the direction of the board of supervisors in the respective townships from which said interest is derived.

Proviso.

Who to carry out provisions of this act.

SEC. 2. The Commissioner of the State land office, Auditor General, and State Treasurer, and the county treasurer of Van Buren county, and the board of supervisors thereof, are hereby empowered and required to carry out the provisions of this act, any other statute to the contrary notwithstanding.

Approved May 3, 1875.

[No. 383.]

AN ACT to legalize the action of the board of supervisors of Bay county in fixing the rates of toll to be taken for crossing the bridge of the Bay City Bridge Company.

Action legalized.

SECTION 1. *The People of the State of Michigan enact*, That the rates of toll fixed by the board of supervisors of Bay county on the twentieth day of October, eighteen hundred and seventy-four, for crossing the bridge of the Bay City Bridge Company, located in said Bay county, be, and the same are hereby declared to be legal and valid, the same as though said board of supervisors had taken no action upon the matter of fixing the rates of toll to be taken for crossing said bridge, on the twenty-eighth day of May, eighteen hundred and seventy-four; and said rates of toll as fixed by said board of supervisors on said twentieth day of October, eighteen hundred and seventy-four, are hereby made and declared to be the legal rates of toll to be taken for crossing said bridge.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1875.

[No. 384.]

AN ACT to detach certain territory from each of the present townships of Grant and Sheridan, in the county of Clare, and organize the same into a separate township to be known as the township of Frost.

SECTION 1. *The People of the State of Michigan enact*, That Territory set off. townships number twenty north of range three west, now forming a part of the township of Sheridan, and twenty north of range four west, now forming a part of the township of Grant, in the county of Clare, be and the same is hereby set off from the residue of said townships, and organized into a separate township to be Township organized. known as the township of Frost.

SEC. 2. The first annual meeting in said township of Frost shall First election. be held on the first Monday of April next, at the house of D. A. Blodgett, in said township; and Amos B. Toman, James B. Lyon, and Henry Chalker, are hereby made and constituted a board of inspectors of said township election.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notices may be given by said board of inspectors or a majority of them. If election not held, may be at subsequent time.

SEC. 4. If for any cause all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election, to choose from the electors present, suitable persons to act as inspectors of said election, in place of such inspectors who shall neglect or be unable to attend said board. If inspectors do not attend, others may be chosen.

Approved May 3, 1875.

[No. 385.]

AN ACT to amend an act entitled "An act to incorporate the city of Owosso," approved February fifteen, in the year of our Lord one thousand eight hundred and fifty-nine, and the acts amendatory thereof, approved April two, eighteen hundred and sixty-nine, and to add one new section thereto.

SECTION 1. *The People of the State of Michigan enact*, That Sections amended. sections six, seven, eight, twenty-two, twenty-three, twenty-four, twenty-five, thirty-seven, fifty-nine, sixty-seven, ninety-four, one hundred and fifty-four, one hundred and fifty-eight, one hundred and fifty-nine, and two hundred and fifteen, of an act entitled "An act to incorporate the city of Owosso," approved February fifteenth, in the year of our Lord eighteen hundred and fifty-nine, as amended by act number one hundred and eighty-nine of the

	session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, as amended by act number seventy-four of the session laws of eighteen hundred and sixty-five, approved February twenty-second, eighteen hundred and sixty-five, as amended by act number four hundred and seven of the session laws of eighteen hundred and sixty-nine, be amended so as to read as follows, and to add one new section thereto, to stand as section number two hundred and twenty-five:
Section added.	
Elections.	SEC. 6. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall appoint, by posting written or printed notices of the holding of said election, in at least three of the most public places in each ward, at least six days previous to said election.
Officers to be chosen.	SEC. 7. At each annual election, there shall be elected one mayor, one clerk, one treasurer, and one supervisor at large: <i>Provided</i> , That all persons elected to office in said city, on the first of March, eighteen hundred and seventy-five, shall hold their respective offices until the first Monday in May, eighteen hundred and seventy-six. Election to be conducted in the same manner as other elections in said city, and two directors of the poor, each of whom shall hold their respective offices for one year; also, at said election the electors of each ward in said city shall elect one alderman, who shall hold his office two years, and until his successor is elected and qualified. There shall also be elected annually one school inspector, who shall hold his office for two years and until his successor shall be elected and qualified; and also at each annual election there shall be elected by the electors of each judicial district, one supervisor and one constable, who shall hold their respective offices for one year; and at each fourth annual election, one justice of the peace, who shall hold his office for four years. The first and fourth ward shall be the first judicial district, and the second and third wards shall be the second judicial district, for the purpose of electing justices of the peace, supervisors and constables, and for no other purpose.
Ward officers.	
District officers, etc.	
Judicial districts	
Council to appoint cemetery commissioners.	SEC. 8. The common council shall, at the first meeting after their election, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices in this section named, appoint by ballot two commissioners for the city cemetery or cemeteries, one of whom shall hold his office for the term of two years, and one of them for the term of one year, and the term of each shall be designated upon the ballot, and annually thereafter the said common council shall appoint one commissioner of the city cemetery, who shall hold his office for two years; they may also appoint at the first or some subsequent meeting, one of their number as president of the council, who, in the absence of the mayor, shall preside at the meeting of said council, and otherwise perform the duties of the mayor during his absence. The president shall hold his office during the pleasure of said council; they may also appoint the watchmen for said city, not to exceed one for each ward, of whom they shall designate one as captain of the watch, to hold their respective offices during the pleasure of said council; they may
President of council.	
Watchmen.	

appoint at their first annual meeting after their election, or as soon thereafter as may be, one health physician, to hold his office for one year, and so many fire-wardens, common criers, pound-masters, weigh-masters, inspectors of fire-wood, and auctioneers, as the common council shall deem necessary, each to hold their offices during the pleasure of the common council; the common council may contract with a counsellor at law to perform such services as may be required of him as attorney and counsellor at law of said city, for such period, not exceeding one year; compensation not to exceed two hundred dollars for a year, and the same rate for any less period, as the common council shall determine; the person with whom such contract is made shall not be entitled to receive during its continuance (or for services rendered during its continuance), any other fee or reward whatever which shall be paid out of or withheld from the treasury of the city.

Health physicians, fire-wardens, criers, etc.

Attorney.

Compensation of attorney.

SEC. 22. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday in May next following such election, except as hereinafter provided.

When officers to enter upon duties.

SEC. 23. The common council shall meet on the first Wednesday after the annual election and determine the persons elected to office, and it shall be the duty of the clerk of said city, as soon as practicable, and within five days after the meeting of the common council, as above provided, to notify the officers, respectively, of their election; and the said officers so elected and notified, as aforesaid, shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the clerk of said city.

Council to determine election.

Clerk to notify officers elected.

Officers to qualify within ten days.

SEC. 24. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removed from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election, to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any vacancy shall occur in the said office of alderman, within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Special election in case of vacancy in office of alderman.

Proviso.

SEC. 25. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the first Monday of May next succeeding; if an elective office, which shall have become vacant, was one of that class whose

When vacancies may be filled by appointment.

When officer to be elected at next election.

terms of office continued after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Duties of mayor.

SEC. 37. The mayor, when present, shall preside at the meetings of the common council, and in his absence the president shall perform the duties of mayor, and in the absence of both mayor and president the common council shall appoint one of their number who shall preside.

Council may make annual settlement and statement.

SEC. 59. On the last Tuesday in the month of April in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments for opening, paving, planking, repairing, and altering streets and buildings, and repairing bridges; the amount borrowed on the credit of the city; and the terms on which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Duties of treasurer.

SEC. 67. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures, in such manner as the common council shall direct; all moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the clerk, and countersigned by the auditor; such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, all orders drawn upon the treasury, in a check book to be kept by him for that purpose; the books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city; the treasurer shall exhibit to the common council at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed and published in the same manner as provided for in section forty-one of this act.

Moneys, how drawn.

Clerk to keep account of expenditures.

Books and accounts of treasurer.

Supervisors to make assessment.

SEC. 94. The supervisor of each judicial district shall, in each and every year, make and complete the assessment of all the real and personal property within each judicial district of said city, in the same manner as required by law for the assessment of property in the several townships of this State; and in so doing shall conform to the provisions of law governing the action of supervisors of the several townships of this State, performing like services, and in all other respects within said city shall, unless when other-

wise provided in this act, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property and levying of taxes; but they shall make and complete the assessment of the real and personal property within each judicial district in said city before the fourth Monday in May, and for that purpose shall call upon each taxable person and furnish him a blank form, as required by law for assessment of property in the townships, on or before the second Monday in May. It shall be the duty of the supervisors of the several judicial districts of said city to meet at the clerk's office, on the Saturday next preceding the fourth Monday in May of each year, who shall be a board for the purpose of reviewing, correcting, equalizing and completing the assessments for said city. The said supervisors shall also, in each year, within twenty days after the time required by law for the completing their assessment rolls, make and file with the city clerk of said city, a true and certified copy of the assessment roll for such year, and such city clerk shall receive and file the same in his office.

When assessment to be completed.

Review.

Certified copy of assessment roll.

SEC. 154. Whenever the common council shall deem it expedient to construct any sidewalk or pavement, or plank any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining said street to lay such sidewalk, or construct such pavement, or plank such street, to the middle of the said street, in front of his or her lot or house; or they may direct such sidewalks, and pavements, and such streets to be planked, to be made according to the provisions of this act. The common council may in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and reconstruct sidewalks, pavements and street improvements, adjoining their respective premises, to the middle of the street or alley, in such manner as the common council by ordinance or otherwise may direct; and may in like manner by ordinance or otherwise require the owners or occupants of any lot or lots of land in said city to plant shade trees in the streets adjoining their respective lot or lots in such manner and in such numbers as the common council may by ordinance or otherwise direct. The expense to which any occupant or tenant may be thus subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises. And the common council may, in like manner, by ordinance or otherwise, provide for the sprinkling of any street, or portions of a street within the city, and the expense thereof shall be assessed by the common council equally upon all occupied lots or parts of lots fronting on the street or portions thereof to be sprinkled, and the amount so assessed upon any lot or part of a lot shall be collected in such manner as the common council shall by ordinance or otherwise provide: *Provided*, That no street shall be sprinkled at the expense of the owners of the

Council may require building of sidewalks, paving, etc.

Repairs, etc.

Shade trees.

Expense may be collected of owner.

Sprinkling streets.

Petition for sprinkling.

lots or parts of a lot on said street or portions thereof without said council being first petitioned by at least two-thirds of the owners or occupants of the lots or parts of lots fronting on said street.

Supervisors' lists for highway taxes.

SEC. 158. The supervisors of each district of said city shall, on or before the fifteenth day of May in each year, furnish the common council with a list, subscribed by them, of the names of all the inhabitants of each ward in his district who are liable to be assessed for highway taxes.

Council to assess highway taxes.

SEC. 159. The common council shall, in the month of May in each year, make out from the assessment roll, in said city, a separate list and statement of the value of all the taxable personal property, and a description of all lots or parcels of land within each highway district in said city, inserting in a separate part of said list descriptions of lands and tenements owned by non-residents of the city, with the value of each lot or parcel set down opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

May borrow money or levy tax for fire engine.

SEC. 215. The common council of said city shall have power, and are hereby authorized, to borrow money or to levy a tax or taxes and cause the same to be assessed on the taxable property of the city for the purpose of procuring a fire engine or engines and apparatus for the use of said city, or to pay for any other machinery, apparatus or contrivance adapted to the extinguishment of fires in said city: *Provided*, That no such loan shall be made or tax levied except by a vote of a majority of the aldermen of said city, and also a vote of a majority of the voters of said city to whom the question of borrowing money for such purpose or levying such tax shall be submitted in the manner provided by law.

Proviso—majority of aldermen and vote of people required.

New registration in 1876.

SEC. 225. The board of registration of the city of Owosso as constituted by the provisions of "An act to further preserve the purity of elections, and guard against the abuse of the election franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, and by the provisions of the charter of said city, shall make a new and complete registration of the electors of said city at sessions of said board to be held in the several wards of said city, on the Monday, Tuesday, and Wednesday next preceding the annual charter election to be held the first Monday in April, eighteen hundred and seventy-six, and at such other times, not oftener than every eighth year, as the common council of said city may direct, for which purpose the several ward boards shall be and remain in session from nine o'clock in the forenoon to one o'clock in the afternoon, and from three o'clock in the afternoon until seven o'clock in the afternoon of each day before named. Notice of such sessions and re-registration shall be given as provided in section two of the act above cited, and registration books of the form prescribed by law, and now in use in said city, shall be provided under the direction of the common council. The rules and regulations prescribed in the act before cited shall be observed and carried out in making the

Registration at other times.

Notice of registration.

Rules and regulations.

re-registration hereby ordered, and when any registration shall have been completed under the provisions of this act, the registry books prior thereto in use in said city shall be deemed invalid, and no person shall vote at any public election in any ward of said city after such re-registration, whose name shall not be entered in the new register made under the provisions of this act, or be afterwards properly entered in such new register according to the provisions of act aforesaid and of this act. Old registry
invalid.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1875.

[No. 386.]

AN ACT to amend sections six, sixteen, eighteen, thirty-one, thirty-four, thirty-eight, thirty-nine, and fifty, of an act to incorporate the city of Hastings, approved March eleventh, eighteen hundred and seventy-one, as amended by act number two hundred and twenty-eight of the session laws of eighteen hundred and seventy-three, approved April second, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact, That* sections six, sixteen, eighteen, thirty-one, thirty-four, thirty-eight, thirty-nine, and fifty of an act entitled "An act to incorporate the city of Hastings," approved March eleventh, eighteen hundred and seventy-one, as amended by act number two hundred and twenty-eight of the session laws of eighteen hundred and seventy-three, approved April second, eighteen hundred and seventy-three, be amended so as to read as follows: Sections
amended.

SEC. 6. The annual elections under this act shall be held on the first Monday in April in each year, and at such places in each ward as the common council shall designate, of which election the recorder shall give at least ten days' notice, by posting the same in three public places in each ward, and by publication in at least one weekly newspaper published in said city. The aldermen of each ward shall be the inspectors of such elections, and shall also be inspectors of State, district, and county elections. Said inspectors shall, before opening the polls at any election, appoint one of their number chairman of such board of inspectors; they shall also appoint two persons to serve as clerks of said election; and in case of the absence of one or more of such inspectors, the electors present may choose *viva voce* from their number, one or more persons to fill such vacancy or vacancies, to whom and to such clerks shall be administered the constitutional oath, by either of said inspectors, or by any person authorized to administer oaths. The manner of conducting elections, and canvassing votes, and the qualifications of electors in the several wards, shall be the same as in townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote is challenged, and in the making of all certificates or statements of and concerning such elections: *Provided, That* at such charter Annual elections

Inspectors of
election.

Proviso—certificates of votes, and of officers elected.	elections said ward inspectors shall make one certificate of the number of votes given for each of the several offices to be filled in said city, and also one certificate of the officers elected in and for their respective wards; which certificate shall, within twenty-four hours, be filed in the office of the city recorder; and upon the
Determination of election of city officers.	Wednesday next following the day of such election the common council shall meet at the office of recorder, and then and there determine who, by the greatest number of votes given in the several wards, are duly elected to fill the respective city offices; and
Notice to and qualification of officers elect.	it shall be the duty of the recorder, immediately after such determination, to cause notice to be given of their election to each of the persons so elected; and each officer so elected and notified shall within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer the same, and shall deliver the same to the recorder, who shall file and
Proviso—certificate of election of justices.	preserve the same in his office: <i>Provided</i> , That in case of the election of one or more justices of the peace, said recorder shall make a certificate thereof, and cause the same to be delivered to the clerk of said county of Barry, in the same manner as township clerks
Tie.	are required to do in similar cases; and in all cases where two or more persons shall receive for the same city office an equal number and plurality of the votes given at such election for such office, the common council shall forthwith proceed to determine by lot, and shall declare which of such persons is elected to such office; and in case two or more persons receive an equal number and plurality of votes given for the same ward office, the board of ward inspectors shall proceed forthwith, after the canvass of votes, to determine, in like manner, and declare which of such persons is
Neglect to qualify.	elected to such office; and in case any officer, duly elected and notified, shall neglect for the space of ten days to qualify as aforesaid, and to give such security as the provisions of this act, or the ordinances or by-laws of the common council shall require, such office
Proviso—notice of security.	shall thereby become vacant: <i>Provided</i> , That every notice given as aforesaid by the recorder to an officer elect, shall state what security, if any, is required by law from such officer, and the terms and conditions thereof.
Further subjects for legislation by council.	SEC. 16. The common council shall have full power and authority to regulate the manner in which money shall be drawn and expended for the support of the poor; to construct and repair sewers, drains, and reservoirs, and provide for supplying such reservoirs with water; to construct and repair bridges; to regulate the weighing of hay, and the measuring of firewood, and for that purpose to appoint some suitable person to measure all wood brought into the city for the purpose of sale in any public place, to control and regulate the keeping and using of drays, carts, hacks, or other vehicles kept and used for the transportation of persons or property, and to prescribe the amount of charges for such transportation; to control and regulate a city market, and designate stands for the sale of hay, wood, produce, or other things exposed for sale in the streets or public grounds; to control and regulate the powers, duties, and compensation of all officers of such corpor-

ation subject to the restrictions imposed by this act; to provide *Idem.* for enumerating the inhabitants of said city whenever the common council may think proper, and to control and regulate such enumeration; to control and regulate licensing of all shows or exhibitions where money or other consideration is demanded or received for admission thereto, and to fix the amount of such license and regulate the collection thereof; to direct the number of, and license inn-keepers, common victualers, and saloons; to provide for the collection of all fines and penalties that may be incurred under the ordinances and by-laws of said corporation; to control and regulate the setting of awning and other posts and shade trees in the streets and other public places in said city; to cause the streets to be paved; and wherever and whenever any street shall have been paved by said common council, and the assessment for the cost thereof has been duly paid to the corporation, said corporation may remit wholly or in part the highway tax on the premises, in front of which such pavement shall have been made, so long as such pavement shall be kept in such repair and condition by the owner or occupant of such premises, as shall be satisfactory to said common council; to construct and repair sidewalks when and where they shall deem necessary and proper, and to cause the expense of paving such streets and constructing or repairing such sidewalks to be assessed on the lots or premises adjoining such streets or sidewalks, and may pass all needful ordinances and by-laws in relation to the assessment and collection of such expenses: *Provided, That* the owner or occupant of any lot or premises may, under the direction and according to the requirements of the said common council, at his own cost and expense, construct the necessary sidewalk in front of, or adjoining such lot or premises, and thereupon said lot or premises shall become and be exempt from such sidewalk tax so long as said sidewalk shall be kept and maintained in good condition and repair by and at the expense of such owner or occupant; they may also fix and establish the grade of all streets and sidewalks, and establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; and said common council shall have full power and authority, and it shall be their duty, to prescribe all such other by-laws and ordinances as they may deem necessary for the safety, order, and good government of said city, and to promote the prosperity and improve the condition of its people, not inconsistent with this act, or with the constitution or laws of the United States or the State of Michigan, and may impose fines, forfeitures, penalties, or imprisonment, and all persons offending against the ordinances or by-laws made as aforesaid: *Provided.* That no ordinance or by-laws shall impose a fine exceeding five hundred dollars, nor subject the offender to imprisonment in the common jail exceeding ninety days, or both such fine and imprisonment, and the expense of keeping such offenders in jail shall be paid by said city: *And provided further,* That no ordinance or by-law shall take effect until the same shall have been published at least two successive weeks in at least one weekly newspaper published in said city.

Proviso—construction of sidewalks, etc.

Further powers of common council.

Proviso—limit of fines and imprisonments.

Proviso—publication of ordinances.

SEC. 18. The mayor of said city shall be the chief executive

Mayor, executive officer of city.

thereof, and shall be authorized to take the acknowledgment of deeds and other instruments in writing, administer oaths and affirmations, and perform the marriage ceremony; and in addition to the other requirements of this act, it shall be his duty to see that all the officers of said corporation faithfully discharge their official duties, and that all laws and regulations pertaining to the government of said city, and all ordinances and resolutions of said common council, are faithfully executed and complied with; but no ordinance or resolution passed by said common council authorizing any public improvement, or concerning the same, or for the payment of money by the treasurer, shall have any force or effect, if on the day of its passage, or on the next day thereafter, the mayor, or other officer legally discharging the duties of mayor, shall lodge in the office of said recorder a notice in writing suspending the immediate operation of such ordinance or resolution.

May veto ordinances.

If within twenty-four hours after the passage of such ordinance or resolution, the mayor, or other officer legally discharging the duties of mayor, shall lodge in the recorder's office his reasons in writing why such ordinance or resolution shall not go into effect, the same shall not go into effect, nor have any legal operation, unless at the next subsequent meeting of said common council the said ordinance or resolution shall be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, or other officer legally discharging the duties of mayor, and if so re-passed by such two-thirds majority, it shall go into effect according to its terms.

Capitation and other taxes for highway purposes.

SEC. 31. The common council shall have power and authority to assess and collect from every male inhabitant of said city over the age of twenty-one years (paupers, idiots, lunatics, and persons exempted by the general laws of this State excepted), a list of whom shall be made and returned by the supervisor at the time of making his annual assessment, an annual capitation or poll tax, not exceeding one dollar, and shall assess and levy a tax not exceeding one-tenth of one per cent upon all real and personal property in said city, and they may prescribe ordinances and by-laws for the collection of the same; and the money so collected shall constitute a general highway fund, and shall be expended under and by direction of said common council in repairing the streets, alleys and bridges, whenever and wherever within the city limits said common council shall deem just and proper.

Limit of highway tax.

SEC. 34. The common council shall also have full power and authority to assess and levy taxes upon real and personal property within the city limits, to the extent that said common council may deem necessary, not to exceed in any one year one-fourth of one per cent on the valuation, for the purpose of being expended upon the bridges, streets, lanes, alleys, and public grounds of said city, in opening, working upon, grading, and repairing such streets, lanes, alleys, bridges, and public grounds, and not to exceed one-tenth of one per cent upon all real and personal property within said city as a general highway fund, and the manner of levying and collecting such taxes, and the return of property for non-payment thereof, and the sale and redemption of such property, shall be the same,

as near as may be, as in the assessment, levy, and collection of other city taxes; and the same shall be so expended, by contract or otherwise, under the supervision of the common council of said city: *Provided*, That there shall be expended in each ward, an amount equal to the amount of the highway tax in each ward, unless by the consent of the alderman elect in any ward, some portion thereof shall be taken from the fund belonging to said ward, and transferred to the general fund provided for in section thirty-one of this act: *Provided further*, That for the purpose of erecting any new bridge, the common council may authorize a special tax not exceeding one-fourth of one per cent in any one year, but no such tax shall be assessed, levied, or collected, unless such action of the common council shall first be submitted to the qualified electors of said city, and by them approved.

Provide—
amount to be
expended in
each ward.

Provide—tax
for bridges.

SEC. 38. The recorder, city attorney, and all other city officers shall receive for their services such compensation as the common council shall deem just and proper, unless the same is fixed by the provisions of this act; but the mayor and aldermen shall receive from said city no compensation whatever for their services; and no member of said common council, or officer of said corporation, either appointed or elected, shall be, either as principal or surety, or otherwise, interested directly or indirectly in any contract or agreement, the consideration whereof is payable, either wholly or in part, by the corporation hereby created.

Compensation
to city officers.

SEC. 39. The common council shall, at least once in each and every year, cause to be published in at least one newspaper published in said city, a just and true account of all moneys received and expended by them in their corporate capacity during the year, or other period next preceding such publication, previous to which they shall audit and settle the accounts of the city treasurer, and the accounts of all other officers or persons having claims against or accounts with said corporation, and shall make out a detailed statement of all receipts and expenditures, by items, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the amount of money expended under each appropriation, and the name of the party to whom the same was paid, the amount of taxes raised, the amount expended on each of the highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial condition of said corporation: *Provided*, That the common council shall let to the lowest bidder the printing or publication of any or all laws, by-laws or ordinances, statements, notices, and proceedings of the common council by the provisions of this act required to be printed or published.

Publication of
annual financial
statement.

Provide—man-
ner of publica-
tion.

SEC. 50. The common council shall cause to be published in at least one newspaper printed in said city, the proceedings of every meeting of said common council, with the least possible delay, and without any abridgment: *Provided*, The expense shall not exceed fifty dollars in any one year.

*Council to pub-
lish proceedings.*

Provide—limit
of expense.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1875.

[No. 387.]

AN ACT to amend sections one, two, five, eight, ten, and eleven of an act entitled "An act to establish and organize a police court in the city of Grand Rapids," approved April thirtieth, eighteen hundred and seventy-three, and to add four new sections thereto, to stand as sections fourteen, fifteen, sixteen, and seventeen thereof, and to provide that the section of said act now known as section fourteen shall hereafter stand as section eighteen thereof.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, five, eight, ten, and eleven of an act entitled "An act to establish and organize a police court in the city of Grand Rapids," approved April thirtieth, eighteen hundred and seventy-three, be and the same are hereby amended so as to read as follows:

Police court.

Police justice.

First election.

Term of office.

Election.

Vacancy in
office, how filled.

Oath of office to
be taken in du-
plicate.

Bond to city.

SECTION 1. *The People of the State of Michigan enact*, That a police court shall be established and organized in the city of Grand Rapids, in said State. There shall be a police justice (who shall be the presiding officer of said court) elected in and for said city, by the qualified electors thereof, at the first annual charter election for said city, after the passage of this act, which said election shall be conducted in the same manner as elections for city officers of said city, and all the provisions of law applicable to the election of officers of said city shall apply to the election of said police justice. Said police justice shall enter upon the duties of his office on the first Monday in May next after his election, and shall hold his office for four years from the first Monday in May next after his election, and until his successor is elected and qualified. And at every fourth annual charter election next after the passage of this act, there shall be elected a police justice for said city in the manner hereinbefore described, who shall enter upon the duties of his office, and hold the same at and for the time aforesaid; and if from any cause a vacancy shall occur in the office of police justice, the common council of said city shall appoint some person to such vacancy, until the next annual charter election, or order a special election to be held for the election of a police justice for the remainder of said term, which said election, if ordered as aforesaid, shall be held and conducted in the same manner as the annual city election, and the same notice thereof given as is by law required to be given of the annual city election. Said police justice shall, before entering upon the duties of his office, take and subscribe in duplicate the oath prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and deposit the same, one in the office of the clerk of said city, and the other in the office of the clerk of the county of Kent, who shall file and preserve the same in their respective offices. He shall also, before he enters upon the duties of his office, enter into a bond to the city of Grand Rapids, with two sufficient sureties, to be approved by the mayor of said city, in such sum as the common council shall direct, conditioned for the faithful performance of the

duties of his office, and to account for and pay over all moneys which shall come into his hands belonging to said city to the treasurer thereof within ten days after his receipt of the same, which said bond shall be filed in the office of the clerk of said city. He shall also, before he enters upon the duties of his office, make and sign an undertaking in writing, with at least two sufficient sureties, to be approved by the treasurer of the county of Kent, conditioned for the faithful performance of the duties of his office, and to account for and pay over to the treasurer of the county of Kent all moneys which shall come into his hands, which by law are payable into the treasury of said county, within ten days after his receipt of the same, which said undertaking shall be filed in the office of the treasurer of said county: *Provided*, That nothing in this amendatory act shall be construed as affecting the tenure of office of the police justice elected in said city in April, eighteen hundred and seventy-four.

Where filed.

Bond to county.

Where filed.

Proviso.

SEC. 2. Said police justice shall, except in case of his absence or inability to act, have sole and exclusive jurisdiction to issue process for, hear, try, and determine all offenses against the charter of said city, or the by-laws or the ordinances of the common council, already enacted, or that shall hereafter be enacted, anything in any other law of this State or the charter of said city, or any ordinance of said city contained to the contrary thereof, notwithstanding; and all the provisions of law relative to complaints against offenders for violations of the provisions of the charter of said city, or of any by-law or ordinance of the common council of said city, and relative to process, proceedings, and judgments thereon, and relative to execution upon such judgments and proceedings thereon, shall apply to said police court. Said police justice shall also have and exercise, concurrently with the justices of the peace of said city, the same jurisdiction in criminal cases which by law is conferred upon such justices of the peace, in the arrest and examination or trial of offenders against the general laws of this State, for offenses committed within the limits of said city, but said police justice shall exercise no civil jurisdiction whatever, except as herein before provided.

Exclusive jurisdiction of police justice.

Laws and ordinances relative to the punishment of offenders to apply to police court.

Concurrent jurisdiction of police justice.

Civil jurisdiction

SEC. 5. Any justice of the peace of said city, during the sickness of said police justice, his absence from the city, or other inability to discharge his duties, or during a vacancy in said office, shall be bound to discharge the duties of said office, and shall receive the same fees as though this act had not been passed, but in no other case. And the said police justice shall not be entitled to draw salary during his said absence or inability.

Justices of the peace required to act in absence of police justice.

Fees in such case.

Police justice not to draw pay during absence.

SEC. 8. All writs of execution, and all first and final process issued by said police justice, shall be directed to, and served and executed by the chief of police, or any member of the police force of the city of Grand Rapids; and all other writs or process issued by him may be executed by either of the officers aforesaid, or by any constable of said city. There shall be taxed as costs, by said police justice, for services rendered by him, in each case examined, or tried and determined before him for a violation of the charter

Writs, etc., to whom directed and by whom served.

Taxation of fees, etc., as costs.

of said city, or of any by-law or ordinance of the common council thereof already enacted, or that shall hereafter be enacted, the sum of two dollars and fifty cents; and for the services of the chief of police, or any member of the police force in any such case, there shall be taxed as costs therein the like sum of two dollars and fifty cents, and for the services of any constable, not a member of the police force of said city, such fees as are allowed by law for like services in criminal cases, which said fees shall be paid to said constable, when collected, to his own use; and in all cases of offenses against the criminal laws of this State, within the jurisdiction of said police justice to try and determine, and in all cases of examination of offenders by said police justice, for offenses committed against the criminal laws of this State where said police justice has jurisdiction to examine and hold to bail only, there shall be taxed for services rendered by him, the same fees as are allowed by law to justices of the peace for like services, and for the services of the chief of police or any member of the police force in any such case, the same sum or sums as are allowed by law to constables, sheriffs, and turnkeys for like services, and for the services of any constable not a member of the police force of said city, such fees as are allowed by law for like services, which fees shall be paid to said constable, when collected, to his own use; and in all cases commenced before said police justice for the recovery of fines, penalties, or forfeitures; and in all cases of offenses against the criminal laws of this State, within the jurisdiction of said justice to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said justice, judgment for costs accruing in the case, shall be rendered against and paid by said defendant, in addition to the fine, penalty, or forfeiture imposed. And in all cases of examination of offenders by said police justice, for offenses committed against the criminal laws of this State, where said justice has jurisdiction to examine and hold to bail only, the fees of said justice chargeable by law on such examination shall be audited by the board of supervisors of the county of Kent, and paid out of the treasury of said county. And in case the costs aforesaid, taxed against the defendant in any sentence imposed by such justice in suits tried and determined by him, for a violation of the criminal laws of this State, shall not be paid by said defendant, the same shall be audited by the board of supervisors aforesaid, and paid out of the treasury of said county. It shall be the duty of said justice to collect such costs and pay the same to the treasurer of said city at the close of each month, taking his receipt therefor (except the costs payable to such constable performing services as aforesaid), and shall report the same to the common council of said city, at its first regular meeting in each month, and in all criminal cases tried and determined in said court, an appeal may be taken from the judgment of said justice to the circuit court for the county of Kent, in the same form and under the same restrictions and limitations, as in case of like trials before justices of the peace.

SEC. 10. Neither said police justice, the chief of police, nor any

Judgment to be with costs in cases brought for the recovery of fines, penalties, etc.

When fees to be audited by board of supervisors and paid by county.

When costs shall be so audited and paid.

Justice to collect costs and pay same to treasurer.

To report same to council.

Appeal to circuit court.

member of the police force of said city, shall be entitled to receive to his own use any fees for services performed under this act; but in lieu thereof said police justice shall receive an annual salary of not exceeding twelve hundred dollars per year, to be fixed from year to year by the common council of said city, and the chief of police and members of the police force of said city shall receive such annual salary as shall be fixed by said common council from time to time, which said salaries shall be allowed, raised, and paid monthly out of the treasury of said city, in the same manner that other charges against said city are allowed and paid, subject to the provisions in section five of this act as to the salary of the police justice in case of his absence or inability to discharge the duties of his office.

Police justice and members of police force entitled to no fees under this act.

Salaries.

How allowed and paid.

Subject to provision in section five.

SEC. 11. In all cases in said police court, brought or instituted for a violation of the charter of the city of Grand Rapids, or any of the by-laws or ordinances of said city, where the sentence of imprisonment shall be thirty days or more, or where the fine, penalty, or forfeiture imposed shall amount to twenty-five dollars or over, exclusive of costs, an appeal may be taken to the superior court of said city in the same manner and with the same effect and restrictions, as near as may be, as prescribed by law for appeals to the circuit court in criminal cases.

Appeal to the superior court.

SEC. 2. That said act be and the same is hereby amended by adding thereto four additional sections to stand as sections fourteen, fifteen, sixteen, and seventeen, said sections to read as follows:

Section added.

SEC. 14. Said police justice may be suspended from his said office and removed therefrom by the circuit court for the county of Kent, for the same causes, and in the same manner as is provided for the suspension or removal of justices of the peace by said circuit court for the county of Kent, in section eighteen of title four of the revised charter of said city; and in case of his suspension from the performance of the duties of his said office by said circuit court, the mayor of said city is hereby authorized and it shall be his duty to appoint some suitable person resident in said city to perform the duties of said office during such suspension; but before such person so appointed shall enter upon the duties of said office he shall take the constitutional oath of office, and execute the bond required to be taken and executed by said police justice under the provisions of this act.

Suspension and removal of police justice.

Appointment to fill vacancy.

Person appointed to take oath and execute bond.

SEC. 15. Said police justice shall report in writing to the common council of said city at the first regular meeting thereof in each month, during the term for which he shall perform the duties of said office, the number of persons and the names of all persons brought before him for examination or trial, the disposition of each case, and the amount of the fine, penalty, or forfeiture, and the amount of the costs adjudged and imposed in each case separately, and the amount thereof collected; and if no judgment has been rendered or punishment imposed the same shall be stated in said report. He shall also furnish in said report such other information in relation to his office and his discharge of the duties thereof, as the common council may from time to time require.

Monthly report of police justice to common council.

Docket.

Said police justice shall also keep a docket in which he shall enter all proceedings in each case which shall come before him, and the judgment thereon, or other disposition thereof, which said docket shall be furnished by the common council at the expense of said city.

Who to convey prisoners to house of correction.

SEC. 16. Whenever any person shall be sentenced by the police justice to imprisonment in the house of correction of the city of Detroit, it shall be lawful for the chief of police or any policeman, or any constable acting as the ministerial officer of said police court, to take, transport, convey, and deliver such sentenced person, under the commitment of said court to the said house of correction of the city of Detroit.

Certain officers, in absence of police justice, may take recognizance for appearance for trial of persons arrested.

SEC. 17. The mayor of said city, or the chief of police of said city, are hereby authorized and empowered, in case of the absence of said police justice from the usual place of holding said police court, to take from any person arrested for a violation of any of the provisions of the charter of said city or of any by-law or ordinance of the common council thereof, a recognizance with sufficient sureties for his appearance before said police court for examination or trial at some reasonable day and hour to be named in said recognizance, and the person arrested shall thereupon be liberated.

Section 14 hereafter to stand as 18.

SEC. 3. That the section of said act heretofore known as section fourteen thereof shall hereafter stand as section eighteen of said act.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1875.

[No. 388.]

AN ACT to amend sections three, seven, nine, forty-three, forty-four, forty-six, fifty-three, eighty-four, one hundred and two, one hundred and four, and one hundred and twelve of an act entitled "An act to revise and amend an act entitled an act to revise and amend an act entitled an act to incorporate the city of Bay City," approved March twenty-first, eighteen hundred and sixty-five, being act number three hundred and forty-eight of the session laws of this State for the year eighteen hundred and sixty-seven, approved March twentieth, eighteen hundred and sixty-nine, as amended by acts amendatory thereof, approved April seventeenth, eighteen hundred and seventy-one, and April first, eighteen hundred and seventy-three, and to repeal section one hundred and five thereof.

Sections amended.

SECTION 1. *The People of the State of Michigan enact.* That sections three, seven, nine, forty-three, forty-four, forty-six, fifty-three, eighty-four, one hundred and two, one hundred and four, and one hundred and twelve of an act entitled, "An act to revise and amend an act entitled an act to revise and amend an act entitled an act to incorporate the city of Bay City," approved March twenty-first, eighteen hundred and sixty-five, being act number

three hundred and forty-eight of the session laws of this State for the year eighteen hundred and sixty-seven, approved March twentieth, eighteen hundred and sixty-nine, as amended by the acts amendatory thereof, approved April seventeenth, eighteen hundred and seventy-one, and April first, eighteen hundred and seventy-three, be and the same are hereby amended so as to read as follows; and also that section one hundred and five of said act be and the same is hereby repealed. Section repealed.

SEC. 3. The following officers of the corporation shall be elected at the annual city election on a general ticket by the qualified electors of the whole city, viz.: A mayor, one comptroller, who shall be *ex officio* assessor of the city and a member of the board of supervisors of the county of Bay; one recorder who shall be *ex officio* a member of said board; one treasurer who shall be *ex officio* collector and a member of said board, and one justice of the peace, as follows: The mayor and treasurer shall each hold his office for one year; the comptroller and recorder shall each hold his office for two years; and said justices shall each hold his office for four years: *Provided*, That at the annual election in the year eighteen hundred and seventy-three, the recorder shall be elected for only one year; each of said officers shall hold his office until his successor is elected and qualified. The term of office of said justices shall commence when elected and qualified, and their powers and duties and liabilities shall be the same as justices of the peace in townships. Officers to be elected.

SEC. 7. The common council shall have power to appoint an attorney, who shall be *ex officio* a member of the board of supervisors of the county of Bay; a street commissioner; a director of the poor; a marshal; a chief, and one or more assistant engineers for the fire department; and such other officers whose election is not herein specially provided for as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove from office any of its own members, or any other officer holding office by election except the mayor, recorder, and justices of the peace, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, or for any violation of any of the ordinances of the common council, by a vote of two-thirds of all the aldermen elect; and in such case the reason for the removal shall be entered in the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by said council unless furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense with aid of council; and the common council shall have power to issue subpoenas to compel the attendance of witnesses, and the production of papers when necessary, and shall proceed within twenty days after service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer to such charges, the default may be deemed good cause for removal. Terms of office.

SEC. 9. The common council, in addition to the powers and

General powers of council.	duties specially conferred on them by this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and make such orders, by-laws, or ordinances relating to the same as they shall deem necessary and proper. They shall also have power within the limits and jurisdiction of said corporation :
Purity of waters.	<i>First</i> , To provide for and preserve the purity and salubrity of the waters of the Saginaw river ; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive ; to preserve and regulate the navigation of the said river and other navigable waters within the limits of said city ; to prohibit and prevent the depositing or keeping therein, any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels, and laying out of cargoes and ballast from the same, and
Navigation.	to appoint so many harbor masters as they may deem necessary, and to prescribe their powers, duties and compensation ;
Obstruction of river, etc.	<i>Second</i> , To license, continue, and regulate so many ferries and bridges, from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river in such manner as shall seem most conducive to the public good ;
Vessel regulations.	<i>Third</i> , To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation ; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line to be established by the common council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicle, dray, or anything whatsoever ;
Harbor masters.	<i>Fourth</i> , To lease the wharf and wharfing privileges at the ends of streets, on the Saginaw river in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct ; but no building shall be erected thereon, and no lease thereof shall be executed for a longer period than twenty years, and a free passage shall at all times be secured for all persons, with their baggage, over said public wharves ;
Ferries and bridges.	<i>Fifth</i> , To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches ; but a jury of not less than twelve disinterested freeholders of the county of Bay, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper ; also whether the benefit which will accrue to the owner or owners of any land from the opening of the ditch will or will not be equal to any damages he or they will sustain thereby ; if such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled after deducting therefrom the amount of benefit
Wharves and docks.	
Lease of wharfing privileges.	
Restriction.	
Drainage of low lands.	
Jury to determine necessity, and assess damages.	

their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams, and implements to cut and open said ditch, to protect, clean, and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstructions thereof, or injury thereto; When ditch may be opened.

Sixth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building on such streets, alleys, and places, or within such limits in said city, as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot in such streets, alleys, and places, or within said limits, and the rebuilding or repairing of the same; to prevent the rebuilding or repairing of wooden buildings on said streets, alleys, and places, or within said limits, when damaged by fire or otherwise; Fire limits.

Seventh, To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed, and gauged; to prescribe and regulate their powers and duties, fees and compensation; Inspectors, gaugers, etc.

Eighth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels or in other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Ninth, To erect and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same; City hall and offices.

Tenth, To prevent vice and immorality, to preserve public peace and good order, to appoint, organize, regulate, and maintain a police of the city, and to prevent and quell riots, disturbances, and disorderly assemblages and conduct; Police and police regulations.

Eleventh, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, the holding, keeping, or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables or bowling alleys; Gaming and disorderly houses.

Twelfth, To prevent the vending or giving away of spirituous or fermented liquors, and to license and regulate the sale thereof, whenever such sales shall hereafter be authorized by the law of this State; Spirituous liquors.

Thirteenth, To apprehend, restrain, and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct; Drunkards, vagrants, prostitutes, etc.

Fourteenth, To prohibit and prevent, or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical rep- Licensing of shows.

- representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;
- Nuisance and offensive trades.** *Fifteenth,* To prohibit, prevent, abate, and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog-pen, sewer, or other offensive house or place, to cleanse, remove, or abate the same as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of the city;
- Slaughter houses, markets, explosives and combustibles.** *Sixteenth,* To direct and regulate the location and maintenance of all slaughter-houses, markets, and buildings for storing gunpowder and other combustible substances, and prohibit or regulate the buying, selling, keeping for sale, storing, and transporting gunpowder, naphtha, saltpetre, benzine, benzole, petroleum, kerosene oil, fire-crackers, fireworks, and all other combustible substances, and the using thereof, the use of lights in barns, stables, and other buildings, and the making of bonfires;
- Obstruction of streets, etc.** *Seventeenth,* To prevent the encumbering or obstructions of streets, side or cross walks, lanes, alleys, bridges, wharves, or slips in any manner whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions;
- Fast driving.** *Eighteenth,* To prevent immoderate riding or driving in any street, to compel persons to fasten or secure their horses, oxen, or other animals, while standing in any of the streets, lanes, or alleys of the city, and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood, or other obstructions;
- Security of teams.** *Nineteenth,* To prevent and regulate the running at large of dogs; to impose taxes for the keeping of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance;
- Driving on sidewalks.** *Twentieth,* To restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city, and to determine, designate, or cause to be changed, the routes and grades of any railroad now in, or hereafter to be laid in any street in said city;
- Dogs.** *Twenty-first,* To prohibit and prevent any indecent exposure of the person, the show, sale, or exhibition of any indecent or obscene books, pictures, or pamphlets, and all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters, within or adjoining said city;
- Regulations as to railroads.** *Twenty-second,* To establish, regulate, and maintain one or more pounds, and to restrain and prevent or regulate the running at large of horses, cattle, swine, or other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;
- Offenses against decency and morality.** *Twenty-third,* To prevent every species of gaming, and to prevent the violation of the Sabbath, and the disturbance of any re-
- Pounds.**
- Gaming and disturbing meetings.**

ligious congregation, or any other public meeting assembled for any lawful purpose;

Twenty-fourth, To protect and regulate all cemeteries or graveyards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead, and the keeping of bills of mortality;

Cemeteries.

Twenty-fifth, To prohibit the bringing or depositing within the limits of said city any dead carcass, or other unwholesome or offensive substance, and to provide for the removal or destruction thereof, wheresoever found;

Bills of mortality
Dead carcasses
and offensive
substances.

Twenty-sixth, To lay out, establish, make, alter, and regulate market places and public parks or grounds, and regulate the measuring and selling of firewood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds;

Market places,
hucksters, etc.

Twenty-seventh, To regulate the setting of awning and other posts, and to direct and regulate the planting of shade or ornamental trees in the streets or other public grounds, and to provide for the preservation of the same;

Awnings and
shade trees.

Twenty-eighth, To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the common council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council shall deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act;

Meetings of
electors.

Compensation
of officers.

Fees of officers.

Powers and
duties of officers.

Twenty-ninth, To survey, ascertain, and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, parks, squares, and spaces in said city; to prohibit and remove all encroachments upon the same in any manner, and to number the buildings;

Boundaries of
city, highways,
public grounds,
etc.

Thirtieth, To license and regulate the keeping of hotels, taverns, and other public houses, groceries, and keepers of ordinary saloons and victualing and other houses, or places for furnishing meals, food, or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys; also to license and regulate or prohibit auctioneers, hawkers, peddlers, and pawnbrokers, and to regulate auctions, hawking, and pawnbrokerage;

Licenses.

Thirty-first, To license and regulate butchers, and keepers of shops, stalls, and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts, or drays used in carrying persons or property for hire, and prescribe their fare and compensation;

Idem.

Thirty-second, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and

Weights and
measures.

**Taxation and
finance.**

prescribe the duties and powers thereof, and the penalty for using false weights and measures, not conforming to the standard as established by the laws of this State;

Thirty-third, To assess, levy, and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed, until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same;

**Offenses against
charter and by-
laws.**

Thirty-fourth, To punish all offenders for violations of, or offenses against this act, or any by-law or ordinance of the common council, adopted or passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county or any jail, prison, or work-house of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year;

**Limitation of
fines and impris-
onments.**

**Offenders may
be employed on
streets, etc.**

Thirty-fifth, To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house, or prison, at work or labor either within or without the same, or upon any street or public work, under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances, and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and to protect the persons and property of the inhabitants thereof. They shall also have power to purchase, for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city, and in case said council is unable to agree with the owner or owners for the purchase of such land, they shall have the right to acquire the title to the same for the city, in the manner and by the proceeding, as near as may be, as is prescribed in this act relative to laying out or altering streets, lanes, or alleys.

General powers.

**Land for ceme-
tery.**

**Assessment roll
and tax levy.**

SEC. 43. The said comptroller shall deliver the assessment roll to the said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their record, the said comptroller shall again take such roll into his possession, and cause the amount of all taxes in dollars and cents authorized to be assessed and collected in each year, for the city, school, and highway purposes, and all other corporation taxes

not herein otherwise provided for to be ratably assessed to each valuation in said roll, or book prepared for that purpose, to be known as the city tax roll, in separate columns, showing the amount of highway, school, city, and other taxes, assessed according to this act to each valuation in each year; and when the said tax roll has been completed, and on the second Monday of July, or at such other time as the common council may direct, providing it shall not be later than the first Monday in August, the comptroller shall cause the same to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith, who shall retain said tax-roll in his office for forty days; during the first twenty days of said forty days, any person assessed therein may pay the amount of taxes assessed against each person, respectively, to said treasurer, free from any charges or percentage for collection; said treasurer shall receive and give receipt therefor, and mark the same paid upon the roll. The treasurer shall add to the sums extended on the roll, the sum of one per cent as fees for the collection of such taxes and assessments as shall be paid during the next twenty days of the said forty days; and within ten days after the expiration of the time for the payment of taxes to the treasurer as aforesaid, the comptroller shall then cause to be made out a copy of so much of said assessment roll as remains due and unpaid, filing the original in his office, and shall add such percentage as shall have been fixed by the common council as compensation for the collection of such taxes or assessment, not exceeding four per cent. The comptroller shall annex or attach a warrant to said tax or assessment roll directed to the treasurer of the city and made returnable upon the last Saturday of October then next following, commanding him to collect from the persons named in the assessment roll the assessment of taxes therein specified and set forth as due from such persons, and for such purpose if necessary, to levy upon and sell the personal property of such person, occupant, or lessee, refusing or neglecting to pay the same, whenever or wherever the same may be found within the limits of said county of Bay, and to pay over and account for the taxes and assessments then collected, according to law. The comptroller shall charge the amount of taxes remaining unpaid upon said roll, to the treasurer of said city receiving the same, and shall also take a receipt therefor; warrants for the collection of taxes or assessments may be extended or renewed from time to time, as the common council shall direct.

Taxes to be in separate columns.

Roll to be delivered to treasurer.

When taxes may be paid without collection fee.

Fees chargeable after forty days.

List of unpaid taxes and percentage.

Warrant of collection.

Renewal of warrant.

State and county taxes.

SEC. 44. The treasurer shall receive all taxes assessed for State and county purposes without charging any percentage thereon, until the first day of January in each year. And to that end he is hereby required to deduct from the amounts extended in said roll, all percentage which may have been added in the assessment or extension of taxes thereon, in all cases when the same are paid prior to said first day of January. After the said first day of January, the said treasurer shall collect the said taxes and assessments as charged in said roll in the manner required by law, subject, however, to the provisions of the next section. The treasurer of

Disposition of moneys by treasurer.	said city, shall retain all sums of money collected in his tax-roll for city purposes; and the said treasurer shall in all other respects pay over all moneys received in payment or on account of taxes, in the manner and at the time required by law of the treasurers of the several townships of this state. The city treasurer shall also be a member of the board of supervisors of Bay county, and shall be entitled to the same compensation for attending said board of supervisors, as is allowed by law to the other members of said board, to be paid in the same manner.
Treasurer to be member of board of supervisors.	
Council to determine amount of money to be raised.	SEC. 46. It shall be the duty of the common council, at their first regular meeting in each year, after the comptroller has completed his assessment roll as provided in section forty-one, or at such other time as the common council may direct, to determine by resolution the amount necessary to be raised by tax for city and highway purposes within said city for such year; and it is hereby made the duty of the comptroller of said city to levy the sum so determined upon, and such other taxes as may be required by law, upon the taxable property of said city in the manner specified in this act. No real or personal property which shall be exempt from taxation by the general laws of this State, shall be assessed for the ordinary city or county taxes; nor shall any public square, park, or other public ground be assessed for any tax or assessment whatever.
Comptroller to levy amount on taxable property	
Exemptions.	
Duties of city attorney.	SEC. 53. The city attorney shall appear in and conduct all suits, prosecutions, and proceedings in the recorder's court, to which Bay City is a party, to the end thereof, subject to the rules and practice of said court, and if the same be removed to any other tribunal by writ of error, <i>habeas corpus</i> , or otherwise, he shall conduct the case before such tribunal, and shall perform such other duties as the common council may require. The city attorney shall also be a member of the board of supervisors of Bay county, and shall be entitled to the same compensation for attending said board [of] supervisors as is allowed by law to the other members of said board, to be paid in the same manner.
Member of board of supervisors.	
Issuing bonds.	SEC. 84. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, the question of the issuing of said bonds shall be submitted to the property-holding tax-payers of the city, being electors thereof, at the annual election in April, or at the general election in November, and at least thirty days' notice of such submission shall be given, immediately preceding said election, by publication in some newspaper in said city, specifying the amount of not exceeding twenty-five thousand dollars, and the object for which it is proposed to issue said bonds. A separate ballot box shall be provided for the receiving of ballots, and the votes shall be canvassed, declared, and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of the election of city officers. At the close of such election, the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county
Vote of tax-paying electors.	
Separate ballot box.	
Certifying result.	

clerk for the county of Bay: *Provided*, That not more than two Proviso.
such meetings shall be called in [any] one year.

SEC. 102. The common council shall lay out and establish, by Sewers and sewer districts.
ordinance, sewer districts in said city, running, as nearly as practicable, at right angles to the Saginaw river. All such sewers shall be known as main sewers, and all others as lateral sewers. The Expense of sewer construction.
expense of building or constructing any main sewer shall be assessed upon the real estate within such sewer district, according to the benefits derived therefrom. The expense of building or constructing any lateral sewer, shall be assessed upon the real estate drained by such sewer, according to benefits derived therefrom. And the common council shall have power to adopt ordinances Sewer taxes.
relative to the mode of assessing, levying, and collecting such tax, and may provide that the real estate assessed therefor be sold and conveyed to pay such assessment. And the common council may General sewers to be paid for by general tax.
by ordinance provide for the construction of one or more general sewers, running through all the wards of said city, the expense of the construction of which general sewer or sewers shall be paid by the issuing of the bonds of said city, or by a general tax upon all the property, real and personal, of said city; and the common council shall have power to adopt an ordinance relative to the mode of assessing, levying, and collecting such tax, and may provide that the real estate assessed therefor be sold and conveyed to pay such assessment.

SEC. 104. Said city shall not be liable for any improvement the Non-liability of city.
expense whereof is herein or by ordinance made a charge upon the property benefited thereby, or assessed, or to be assessed upon any district, ward, or other portion less than the whole city, nor upon any contract made in reference thereto; but in case of any error or irregularity in the assessment or collection of such tax, or otherwise affecting the validity, or preventing or delaying the collection thereof, it shall be the duty of the common council to order a re-assessment of such tax according to law. Such re-assessment shall, if the common council so directs, also provide for interest at the rate of seven per cent per annum on such tax from the date of said assessment. Re-assessment in case of irregularity.

SEC. 112. The common council shall not, except as hereinafter Petition for paying by resident tax-payers.
provided, order any street to be paved or planked, or any sewer to be constructed, unless a majority of the resident tax-payers, as appears from the last preceding assessment roll, whose property will be liable to assessment for such improvement, petition therefor: *Provided*, That the common council, by a vote of two-thirds Proviso.
of all the aldermen elect, may order a sewer to be constructed at any time.

SEC. 2. That section one hundred and five of said act be and the Section repealed.
same is hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved May 3, 1875.

[No. 889.]

AN ACT to amend sections three, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-one, thirty-three, and thirty-six of title six, of an act entitled "An act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids, approved April second, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March fourteen, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof, and to repeal section fourteen of title four of said act, title nine of said act, and section twenty-eight of title eleven of said act.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-one, thirty-three, and thirty-six of title six of an act entitled "An act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids, approved April second, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March fourteenth, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows :

Notice of
intended im-
provement to be
published.

To be served or
posted.

Marshal to make
return.

SEC. 3. The common council shall give notice of the intended improvement and of the intended application to said court, by causing a copy of said resolution, certified by the clerk of the city, to be published once in each week for four successive weeks in some newspaper published in said city, and the marshal shall also give notice of said resolution by delivering a copy thereof to the owner or owners of any private property intended to be taken, if they can be found in said city, or if they cannot be found in said city, by leaving the same at their place of residence in said city with some person of proper age ; if they or their place of residence cannot be found, and such property be occupied, said copy of said resolution shall be served by delivering the same to the occupant or occupants ; but if the owner or owners of such property or their places of residence cannot be found, and if it be not occupied, or if occupied, the occupant cannot be found, or if the owner or owners, occupant or occupants be unknown or non-residents of said city, then, in either of such cases, a copy of said resolution shall be posted in some conspicuous place upon the property intended to be taken, or delivered to the agent of such owner or owners, if any there be in said city. The marshal shall serve said resolution as soon as practicable after the passage thereof, and shall make return of his doings and of the manner of such service to the superior court, by filing such return in the office of the clerk of said court before the time fixed in said resolution for making said application ; and all persons interested therein, after notice given in the manner aforesaid, shall take notice of and be bound by all subsequent pro-

ceedings without any further notice, except as herein otherwise provided.

SEC. 21. Any person to whom damages and compensation may be awarded, for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the superior court confirming the report of the jury, to the supreme court, by filing in writing, with the clerk of said superior court, a notice of such appeal and specifications of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specifications of errors on the attorney of the corporation, and filing a bond in said superior court, to be approved by the judge of said superior court, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant, in case the judgment of confirmation of the superior court be affirmed.

Appeal to
supreme court.

Notice and bond.

SEC. 22. In case of appeal as above, it shall be the duty of the clerk of the superior court to forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case, which may be filed in the office of the clerk of said court.

Clerk to make
return to
supreme court.

SEC. 23. The supreme court at any term thereof shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the superior court, confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal, and proceedings thereon to be taxed, and all costs and expenses awarded to the city of Grand Rapids, in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Hearing by
supreme court.

Costs and
expenses.

SEC. 24. If there be a reversal for any errors which it is practicable for the superior court or said jury to correct, with due regard to the public interest and rights of individuals, the proceeding shall be remanded to said superior court, with direction that such errors be corrected. Said superior court at any term thereof, or (as the case may be) said jury under the direction of said court, shall correct such error, and thereupon the report of the jury shall be confirmed by said superior court, without any further right of appeal.

Case may be
remanded for
correction of
errors.

SEC. 25. In case of every annulment of the report of the jury by the superior court or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants, and on filing a certified copy of said resolution in the superior court within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said superior court as to all persons interested therein except the objector, appellant or appellants, and without further right of appeal. If the common

In case of
annulment,
council may
elect to pay
damages.

When proceedings to be void.

council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in a case of reversal, when the proceedings may have been remanded to the superior court for the correction of certain errors, in which case such errors shall be corrected, and the report of the jury confirmed as above provided.

Confirmation final and conclusive.

SEC. 26. If the report of the jury be confirmed by the superior court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises, or subdivision thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Lien upon lands.

When report to be certified by clerk of court.

SEC. 27. When the report of the jury shall have been thus finally confirmed or the judgment of confirmation affirmed by the supreme court, the clerk of the superior court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the superior court, and of the order of the court confirming the same, and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same in a book to be provided, used, and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the superior court shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to the order confirming the report of the jury.

City clerk to record report.

Record to be evidence.

Where leased premises are taken.

SEC. 31. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine, and be discharged, upon the final confirmation of the report of the jury or upon the affirmation by the supreme court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine, and be discharged only as to such part, and the superior court, on application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city commissioners to determine the rents and payments to be thereafter paid, and the covenants, stipulations, or conditions thereafter to be performed under the lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering upon their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report in writing, of their doings, to said court, which shall be filed therein within thirty days after their appointment, and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement, and the fees and expenses of

Commissioners to determine equities.

To be sworn.

To make report.

Report binding and conclusive.

proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement, or either of them, or by the city of Grand Rapids, in the discretion of the common council.

Fees and expenses.

SEC. 33. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said superior court at any time before the mayor attaches his warrant to the roll for the assessment of benefits.

Compensation of jurors.

Council may discontinue proceedings.

SEC. 36. Whenever the common council shall deem the discontinuing, vacating, or abolishing of any highway, street, avenue, lane, or alley, or any part thereof in said city, a necessary public improvement, the same proceedings shall be had to obtain the empaneling of a jury, and the same provisions relative to their duties and proceedings shall apply to the jury empaneled for any of the purposes in this section mentioned, so far as the same are applicable, as are provided by this act when private property is intended to be taken for any public improvement; the marshal shall give notice of the resolution specified in section two of this title, with a copy of said resolution annexed thereto, and shall serve the same in the manner prescribed by section three of this title, upon the owners or occupants of all premises fronting on, or next adjoining the street, highway, avenue, lane, or alley which, or any part of which, is intended to be vacated, and said marshal shall make return of his doings, and of the manner of giving said notice, at the time and in the manner, and to the court specified in said section three; and all persons interested therein, after notice given as aforesaid, shall take notice of and be bound by all subsequent proceedings without any further notice. Said jury shall first determine the necessity or expediency of vacating, abolishing, or discontinuing the street, highway, avenue, lane, or alley described in said resolution, and if they shall deem it expedient or necessary to vacate, abolish, or discontinue such street, highway, lane, or alley, they shall assess all damage in consequence thereof, if any there be, upon the property benefited by such improvement, in the same manner as directed in this title relative to taking private property for public improvements. Any person or persons owning real estate within the limits of said city, deeming their said real estate injured thereby, may claim damages before said jury on account thereof, which said claim shall be in writing, and shall describe the real estate claimed to be injured, and shall set forth particularly the nature of such injury, which said claim shall be delivered to said jury within ten days after the same shall be empaneled; if such claim shall not be delivered to said jury within the time aforesaid, no damages shall be allowed, but if delivered to said jury within the time aforesaid, they shall consider said claim, and if in their opinion any injury will be sustained by said claimant or claimants, they shall award such damage therefor as they shall deem just, which said damages shall be assessed as aforesaid. Said jury shall make a report in writing of their doings, signed by each of them, enclose the same in a sealed envelope, and file it in the office of the clerk of said superior court, within thirty

Vacating streets, etc.

Marshal to give notice.

To make return.

Jury to assess damages.

Claims for damages.

Report of jury.

- days after they were sworn, which said report shall be the same in form and substance as that required by sections thirteen and fifteen of this title, reference being had to the subject matter under consideration by said jury. And the proceedings in said superior court upon the report of said jury, and relating to empaneling and swearing the same, and all proceedings relative to the collection of said assessment, and the sale of property thereon, shall be the same as in this title hereinbefore specified; and like proceedings shall be had relative to a new jury in the same cases hereinbefore provided in this title. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of this title are hereby made applicable to the proceedings contemplated by this section.
- Action of court upon.** SEC. 2. That section fourteen (14) of title four (IV.) of said act be and the same is hereby repealed.
- Certain sections applicable.** SEC. 3. That title nine (IX.) of said act be and the same is hereby repealed.
- Section repealed.** SEC. 4. That section twenty-eight (28) of title eleven (XI.) of said act be and the same is hereby repealed.
- Title repealed.** SEC. 5. This act shall take immediate effect.
- Section repealed.** Approved May 3, 1875.

[No. 390.]

AN ACT to amend an act entitled "An act to incorporate the city of Negaunee, in Marquette county," approved April eleven, eighteen hundred and seventy-three.

- Sections amended.** SECTION 1. *The People of the State of Michigan enact*, That sections two, three, and six of chapter two, section six of chapter five, sections twelve and fourteen of chapter six, chapter seven, sections eight and eleven of chapter eight, sections one and four of chapter nine, sections eight, eleven, thirteen, fourteen, and fifteen of chapter eleven, and section three of chapter twelve, of an act entitled "An act to incorporate the city of Negaunee, in Marquette county," approved April eleven, eighteen hundred and seventy-three, be and are hereby amended so as to read as follows, and that
- Sections added.** said chapter five be further amended by adding one new section thereto, to stand as section twenty-seven, and that said chapter eleven be further amended by adding two new sections thereto, to stand as sections eighteen and nineteen, as follows:

CHAPTER II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

- Officers to be chosen by council.** SEC. 2. The following officers shall be chosen by ballot by the common council on the first Monday of May of each year, viz.: One marshal, one director of the poor, who shall possess all the powers of a director or overseer of the poor in townships under the laws of the State, one city attorney, one or more fire-wardens for the city, and one pound-master. In case no officers are chosen on

or before the first Monday of May the old officers shall hold over until their successors are chosen and qualified as herein prescribed, unless sooner removed by competent authority. No officer named in this section shall be deemed appointed until he receives a majority of the votes of all the members elect of the common council, voting by ballot. All officers appointed under this section shall enter upon the duties of their respective offices on the second Monday of May in each year, and shall hold their offices for one year thereafter, and until their successors are chosen and qualified. They shall file their oaths of office with the recorder, and such security for the faithful discharge of the duties of their offices as may be required under the provisions of this act, with the city treasurer, before entering on the duties of their offices.

When to hold over.

Majority of votes.

When officers to enter upon duties.

SEC. 3. The common council may, from time to time, by resolution entered on its records, proceed to appoint so many police constables, night watchmen, or policemen, sealers of weights and measures, and such other officers as may be proper to carry into effect the powers herein granted and as the common council may from time to time direct. All officers provided for in this section shall hold their offices during the pleasure of the common council, but not longer than the first Monday of May following thereafter, unless re-appointed by the common council, and they shall be chosen by ballot by a majority of all the members elect of the common council. The officers provided for in this section shall file their qualifications with the recorder within two days after being so appointed.

Council may appoint policemen, etc.

SEC. 6. At each annual election to be held in said city after the first annual election, there shall be elected by the electors of the whole city voting in their respective wards, one mayor, one recorder, one treasurer, one assessor, one school inspector, four constables, and one justice of the peace. Each of said officers, except the school inspector and justice of the peace, shall hold his office for one year after the commencement of his term of office and until his successor is elected and qualified. Said school inspector shall hold his office for two years after the commencement of his term of office, and until his successor is elected and qualified. Said justice of the peace shall hold his office for four years from and after the fourth day of July next following his election. Each of said officers, except said justice of the peace, shall file his qualifications with the recorder on or before the second Monday of April, and shall enter upon the duties of his office on said second Monday of April. Said justice of the peace shall give the security required by law of justices elected in townships, which security may be approved by the mayor or common council of said city or by the county clerk of said county of Marquette, and said justice shall, before entering upon the duties of his office, and on or before the fourth day of July following his election, file such security and his official oath of office with the county clerk of said county. There shall also be elected at such annual election after such first annual election in each ward by the electors thereof, one supervisor and one alderman, to be voted for on the same ticket with the city officers.

Officers to be elected, and terms of office.

When to qualify.

Ward officers.

Said supervisor shall hold his office for one year and until his successor is elected and qualified, and said alderman shall hold his office for two years and until his successor is elected and qualified, and they shall each enter upon the duties of their offices on the second Monday of April. They shall file their oaths of office with the recorder before entering upon the duties of their said offices.

CHAPTER V.

OF THE POWERS OF THE COMMON COUNCIL.

Enacting and publishing ordinances.

SECTION 6. No ordinance shall be passed by the common council granting any rights, privileges, or franchises to any person, partnership, or corporation without the concurrence of two-thirds of all the members elect voting by yeas and nays, nor until after the same has been acted upon at two regular meetings of the common council at least one week apart each, and any such franchise may be rescinded at the pleasure of the common council. There shall be a book in which all ordinances shall be recorded at length, to be known as the record of ordinances. It shall not be necessary to record ordinances at length in the journal of the proceedings of the common council, but it shall be sufficient to state the title of such ordinance. No bond or recognizance given to said city by any officer under the provisions of this act shall be held invalid for want of any matter of form. A bond shall be valid if given where a recognizance is required, and no bond or recognizance shall be held invalid because not complying with the statute, but shall be as valid as if the statute is complied with.

Record of ordinances.

Concerning bonds, etc.

Houses of ill-fame, etc.

SEC. 27. It shall be the duty of the common council to suppress any and all houses of ill-fame in said city. Any person who shall keep a house of ill-fame in said city, shall upon conviction, be punished as follows: for the first offense such person shall be fined one hundred dollars and costs of prosecution, or be imprisoned in the county jail for six months; for the second, and any subsequent offense, such person shall be imprisoned one year in the county jail. The justices of the peace of said city shall have jurisdiction of such cases the same as all other cases arising under this act. If the board of supervisors of the county have contract with the authorities of the Detroit house of correction for imprisoning persons convicted of crime therein, then any person convicted under this section shall be committed to said house of correction in the first instance, in the same manner as under the general laws of the State in such cases, and the expenses of all prosecutions and proceedings under this section shall be paid by the board of supervisors in the same manner as in the cases of persons sent to said house of correction by justices of the peace in townships. In all prosecutions under this section for keeping a house of ill-fame in said city, it shall be competent on the trial to show that the person complained of is reputed to be the keeper of such house of ill-fame in the neighborhood, and that such house is reputed in the neighborhood to be a house of ill-fame; and if the person complained of is a woman, it shall be competent to show that she is

Justices to have jurisdiction.

Detroit house of correction.

Common repute to be evidence.

reputed to be a prostitute, or lewd, or of unchaste character, and such evidence shall be *prima facie* sufficient to establish the case of the city against such person complained of. If there are any inmates of such house, in addition to the keeper, it shall also be competent to show the reputation of such persons in the neighborhood. The common council shall have power, by ordinance, to direct the marshal and police force of said city to arrest the keeper of any house of ill-fame, and all inmates found therein, in a summary manner, without process, and that the parties so arrested be brought before a justice of the peace of said city, in a reasonable time after such arrest. All prostitutes found in said city may also be prosecuted and imprisoned, as in the cases of keepers of houses of ill-fame, and evidence of their reputation in the neighborhood shall be sufficient *prima facie* for their conviction, and they shall be punished in the manner herein provided for punishing the keepers of houses of ill-fame in said city.

Arrest without
process.

CHAPTER VI.

THE POWERS AND DUTIES OF OFFICERS.

SECTION 12. The justices of the peace of said city shall pay over to the county treasurer, on or before the second Monday of each month, all fines received by them during the preceding calendar month, for any breach of the penal laws, and if any such justice shall neglect to pay over such money so received by him as aforesaid, he shall be punished in the manner prescribed for the punishment of justices of the peace under the general laws of the State, who neglect to pay over fines collected by them. Such justices shall, on Monday of each week, pay over to the city treasurer of said city, all moneys collected by them during the preceding week, for violations of the ordinances of said city, or the provisions of this act, except as above mentioned. If any such justice neglects to pay over such money to said city treasurer when required so to do, as aforesaid, and for ten days thereafter, he shall, upon conviction, be punished by a fine of not less than ten dollars, nor more than fifty dollars, with costs of suit, or by imprisonment not less than ten days, nor more than sixty days, in default of the payment of such fine; and upon such conviction, the justice before whom he is convicted shall also ascertain the amount of money which should have been paid over by the defendant to said city treasurer, as proved on the trial, and thereupon such defendant shall be sentenced to imprisonment in the county jail until such money is paid over by him to said treasurer, in addition to the other punishment hereinbefore provided, not to exceed ninety days in all. When the cause is tried by a jury, they shall report in their verdict, if they find the defendant guilty, the amount of money which he has not paid over to said city treasurer, but nothing herein contained shall be held to in any wise affect the security, bond, or recognizance given by such justice. Such conviction shall also operate as a forfeiture of the office of such justice so convicted, and in all cases of conviction under this section, the defendant

Moneys received
for fines, etc.,
justice to pay
over.

Penalty for not
paying.

Justice to forfeit
office on con-
viction.

may appeal or take a *certiorari* in the same manner, and within the same time for appealing or taking a *certiorari*, under the general laws of the State, in criminal cases before justices of the peace.

Term of office of justices. The term of office of all justices of the peace elected in said city, shall commence on the fourth day of July next succeeding their elections, except when elected to fill an existing vacancy, when they shall qualify within ten days after their election, and may, thereupon, enter upon the duties of their offices. All justices of the peace shall give a bond or recognizance to the city of Negaunee in the sum of one thousand dollars, with two or more sufficient sureties, to be approved by the mayor or common council, conditioned to pay over to the city treasurer all sums of money that may come into his hands as such justice, which may belong to the treasury of said city under the provisions of this act, the ordinances of said city, or under any other law of this State. Such bond or recognizance shall be filed with the mayor within the time limited for filing their official oaths. The common council may, at any time, order such justice to file additional security in such amount as it may deem proper, and in case such justice neglects, for the space of ten days, to file such additional security, after being personally notified by the recorder, the office of such justice shall become vacant, which said security must be satisfactory to said common council. The city treasurer shall, whenever required by the school board of school district number one, of the city and township of Negaunee, lay before such board a statement of the condition of the several funds of said school district, and shall exhibit to said district board all vouchers, orders, or other papers, books, or documents belonging to said school district, whenever required by said district board, and in case such city treasurer shall refuse or neglect, for the space of ten days, to submit to the inspection of said district board the accounts kept by him of the moneys and funds of said school district in his possession, said district board may remove such city treasurer from office, in which case he shall not be re-appointed to fill the vacancy, except by consent of said district board.

Bond.

Additional security.

Treasurer to make statement of school funds.

Board of school inspectors. SEC. 14. The school inspectors elected as hereinbefore provided, with the mayor and city attorney, shall constitute the board of school inspectors of said city, and shall perform the same duties as school inspectors of townships; and in the performance of such duties such school inspectors shall be governed by the same laws as school inspectors in townships. The recorder of said city shall be clerk of the board of school inspectors. The city treasurer shall be *ex officio* treasurer of the board of school inspectors. The mayor shall be chairman of said board. All moneys provided in this act to be raised for library purposes shall, when paid in to the city treasurer, be at the exclusive disposal of said board of school inspectors, and all orders drawn by said board on said treasurer shall be signed by the chairman and clerk. Said board shall purchase all books for the city library, and shall have the exclusive right to make rules for the government and management of said city library. Meetings of the board may be held whenever called by

Clerk, treasurer, and chairman of board.

School moneys.

Library.

the mayor in addition to the times prescribed by the general laws of the State for holding meetings of boards of school inspectors, and said board may adopt rules and regulations providing for the holding of regular and special meetings, for the calling of the same, and for the mode of transacting business before said board. The treasurer shall keep all moneys raised for library purposes in a fund to be known as the library fund, and he shall, whenever required by said board, file a statement of the condition of said fund with the recorder of said city. The street commissioner, and such other officers or persons as the common council may direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing, and opening of all streets, lanes, alleys, sidewalks, crosswalks, or other public grounds, within the limits of the city, in such manner as he or they may be from time to time directed; and such street commissioner shall collect all capitation or poll taxes in their respective wards, and all resident highway labor, or tax therein, which overseers of highways are authorized to collect in their respective highway districts; and such street commissioner shall be overseer of highways, and vested with all the powers of overseers of highways under the laws of this State, now or hereafter in force in this State; and such street commissioner may pursue and adopt the same course in collecting all highway tax, and in the performance of all duties, as overseers of highways in townships may adopt, and he may collect all such taxes in such manner as the by-laws or ordinances in force in said city may prescribe; and he shall give a bond in such penalty and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting for and paying over all moneys that may come into his hands as such officer by virtue of his office; and he shall be the fence-viewer of the city, and possess all the powers, and be subject to the same liabilities as fence-viewers in townships.

Meetings,
etc.

Library fund.

Street commis-
sioner, etc., to
be under
direction of
council.To collect poll-
tax.To be overseer
of highways.

To give bond.

To be fence-
viewers.

CHAPTER VII.

OF COURTS OF JUSTICES OF THE PEACE.

SECTION 1. The justices of the peace in said city hereinbefore mentioned shall be justices of the peace of the county of Marquette, and shall have, exercise, and possess all the powers and jurisdiction now or hereafter conferred by law on justices of the peace in townships, in relation to civil and criminal cases and proceedings, and in addition thereto, all actions and proceedings within the jurisdiction of justices of the peace in townships may be commenced and prosecuted in said justices' courts, when the plaintiff or defendant, or one of the plaintiffs or defendants, reside in a township or city adjoining the townships of Richmond and Tilden, or in either of said townships of Richmond and Tilden.

Jurisdiction of
justices.

Sec. 2. The justices of the peace of said city shall have exclusive jurisdiction in all cases for offenses committed against any ordi-

Idem.

nance or by-law, rule, or regulation of said city, and for offenses committed against any of the provisions of this act, except as is herein provided to the contrary.

Proceedings for
violation of
ordinances, etc.

SEC. 3. All proceedings before justices of the peace in said city, for a violation of any ordinance of said city, or for violation of any of the provisions of this act, shall be by complaint and warrant, except as is herein provided to the contrary. All ordinances shall be entitled, but no ordinances shall be held invalid, because the title does not accurately or fully express the object or objects of such ordinance. The following form of complaint shall be sufficient:

Form of com-
plaint.

-----being duly sworn, says that on the ----day of ----18---, one-----, violated an ordinance of the city of Negaunee entitled [here insert the title of the ordinance], for that the said-----did [here insert the facts going to show a violation of the ordinance].

All complaints must be signed and sworn to, the same as complaints in criminal cases under the general laws of the State. Complaints for a violation of any of the provisions of this act may be in the same form, except that the number of the section and chapter of this act violated shall be stated instead of the title of the ordinance, and the same complaint may include a charge of violating any provision of this act, as well as any ordinance passed pursuant to the provisions hereof.

Complaint, by
whom made.

SEC. 4. Such complaint may be made by any member of the common council, the city attorney, or marshal, on information and belief, or by any other person having cognizance of the facts, or having good reason to believe that the offense complained of has been committed, and in all cases any person making such complaint shall deposit a sufficient sum of money, not to exceed five dollars, as security for costs, in case the complaint is dismissed by the justice, except that the city attorney, marshal, constables, and members of the common council shall not be required to deposit any such security.

Security for
costs.

Warrant to
issue.

SEC. 5. Upon such complaint being made it shall be the duty of the justice before whom the same is made, to issue a warrant for the arrest of the person or persons charged with the offense, which warrant shall be substantially as follows:

Form of war-
rant.

To the marshal or any constable of the city of Negaunee:

You are hereby commanded in the name of the people of the State of Michigan to arrest-----and bring him forthwith before me, the undersigned, a justice of the peace of said city of Negaunee, to answer a complaint made by-----for a violation of [here insert the title of the ordinance or number of the section or both, as the case may be, that are claimed to have been violated] the said-----being charged in said complaint with having [here insert the facts substantially as stated in the complaint which tend to show a violation of the ordinance or section and chapter aforesaid.]

You are also hereby commanded in the name of said people of

the State of Michigan to summon-----as witnesses on behalf of the city of Negaunee.

Given under my hand this----day of-----, 18----

-----Justice of the Peace.

SEC. 6. Such warrant may be executed by the marshal or by any of his deputies, or by any constable of said city, and the officer executing the same shall have the same powers as the sheriff in executing criminal warrants against persons accused of misdemeanors, and he shall bring the person arrested before the justice who issued said warrant, or in case such justice is absent from his office or is unable to try the case, or has resigned, or is dead, then the officer making the arrest, or having charge of the person or persons arrested, may bring him or them before any other justice in said city. All persons, male and female, shall be liable to arrest and imprisonment for a violation of any ordinance of said city, or of any of the provisions of this act, in the same manner that such persons could be arrested and imprisoned if charged with a misdemeanor.

Marshal may execute warrant.

In case justice is absent.

Who liable to arrest.

SEC. 7. Upon the person or persons arrested being brought before such justice, he or they shall plead to the complaint, or in case of refusal to plead, the justice shall enter a plea of not guilty after the complaint is read, or if such complaint is insufficient, and does not set forth an offense against the ordinances of said city, or provisions of this act, may move to quash such complaint. If such complaint is quashed the defendant shall be discharged from custody. If such complaint is sufficient, and the defendants deny their guilt, they shall plead not guilty to said complaint, or the court shall enter a plea of not guilty in case the defendants refuse to plead, and thereupon such cause shall be deemed at issue between the city of Negaunee, complainant, and said defendant or defendants, and thereafter in said cause the same proceedings shall be had up to and including the rendition of the verdict or judgment as in civil causes before justices of the peace in townships, except as herein provided to the contrary, and except that if said city demands a jury, no fees for such jurors shall be required to be deposited with said justice. Either party may demand a jury the same as in such civil cases. Such jury shall be selected in the same manner and the same challenges shall be allowed as in civil cases before justices, except that it shall not be a cause of challenge or excuse that any person summoned as a juror has been on a jury in said city or county during the preceding year, or that he is a member of any fire company. Justices in all such cases shall have the same power to punish jurors or witnesses who refuse to serve or attend, and to punish for contempts, and to exercise jurisdiction in all cases arising under the ordinances of said city or provisions of this act, that justices in townships have or may hereafter have in civil cases.

Jointing issue on complaint.

Trial.

Jury.

SEC. 8. If any such cause, commenced by warrant and complaint is adjourned on request of either party, the defendant shall, if required by the justice before whom he is brought to enter into a bond or recognizances to the city of Negaunee, in the sum of not less than fifty dollars nor more than five hundred dollars, in

Bond in case of adjournment.

- the discretion of the justice, conditioned to appear on the adjourned day before such justice, or before such other justice as the case may be transferred to, and abide the further order of the court, and not depart the court without leave, such bond or recognizance shall be valid until the final determination of the case.
- Committal in default of bond.** When the case is adjourned the defendant shall be committed to the city prison until the case is tried unless he gives bail as aforesaid, if required by such justice. And upon the conviction and sentence of the defendant, the marshal or any constable of said city present, when ordered by the justice, shall take such defendant into custody until the commitment is ready. If the defendant does not appear on any adjourned day, or does not render himself into custody upon conviction, the bond or recognizance shall be declared forfeited by said justice, who shall enter such forfeiture on his docket, briefly reciting the facts, and thereupon the city attorney, or other authorized agent or attorney of said city, shall commence an action of covenant, or other appropriate action on said bond or recognizance on behalf of said city, in any court of competent jurisdiction of this State where the sureties may be found. The common council shall have power to compromise with such sureties at any time before judgment.
- Collection on forfeited bond.**
- Use of county jail.** SEC. 9. Said city of Negaunee shall be allowed the use of the common jail of said county of Marquette for the imprisonment of all persons liable to imprisonment therein under the ordinances of the common council of said city, or under any of the provisions of this act, or such persons may, at the option of the justice committing them, be imprisoned in the city prison of said city; and all persons committed to said county jail or city prison for a violation of any ordinance of said city, or for a violation of [any of] the provisions of this act, shall be in the custody of the keeper of the common jail of said county, or of the keeper of said [city] prison, according as the case may be, during the term of such sentence.
- Custody of prisoners.**
- Commitment and execution.** SEC. 10. The justice before whom any person is convicted shall thereupon render judgment against such person, according to the terms of the ordinance or provisions of this act violated, and shall issue his commitment against such person, and shall, also, on request of said city attorney, issue an execution against the goods and chattels of such person not exempt from execution, which execution shall be in the same form as in civil cases, and shall recite the pecuniary penalty with costs only. Any officer herein mentioned who neglects or refuses to execute any process under this chapter shall be liable to the same penalties and damages which are incurred by sheriffs for neglecting or refusing to execute civil process.
- Neglect of officer.**
- Expenses, how audited and paid.** SEC. 11. The expenses of apprehending, examining, and committing offenders against any law of this State in the said city, or by any officer of said city, and of their confinement, shall be audited and paid by the board of supervisors of the county of Marquette, in the same manner as if such expenses had been incurred in any township of said county; and the board of supervisors in said

county of Marquette shall audit and allow all legal charges against said county presented to said board by any justice of the peace or constable of said city.

SEC. 12. An action of debt or assumpsit may be brought by the city attorney, or by any member of the common council in the name of said city for the recovery of any fine, penalty, or forfeiture incurred by the violation of any ordinance of said city, or of any of the provisions of this act, and the proceedings shall thereupon be commenced by summons before any justice in said city, which summons shall be returnable in not less than two, nor more than twelve days, and shall be served at least one day before the return day thereof, and all subsequent proceedings in actions so commenced shall be the same as is herein provided for in cases commenced by complaint. Said justices of the peace shall have the same power to render judgment by default or on confession in all actions, whether commenced by complaint or summons, as justices of the peace in townships now or hereafter may have in civil cases, and may thereupon issue a commitment and execution the same as if the defendant appeared and proceeded to trial.

SEC. 13. The right to appeal or take a *certiorari* to the circuit court from the justices of the peace of said city, in all civil and criminal cases, is hereby given to all parties to the same extent and in the same manner, and within the same time as is now or may hereafter be provided by law for appeals from justices of the peace in townships under the laws of this State. Said city shall have the right to appeal to the circuit court if judgment is rendered against it in any action brought by it for a violation of any ordinance of said city or any provision of this act, and in such case said city shall not be required to pay any costs or fees on appeal, nor shall be required to give any appeal bond, but such appeal shall be considered as perfected when the city attorney, or other authorized attorney, on behalf of said city, files with the justice a notice, briefly setting forth that said city feels aggrieved at the judgment rendered, and appeals therefrom to the circuit court. Such notice shall be filed within twenty days after the rendition of such judgment, and thereupon said cause shall be deemed to be in the circuit court, and may be noticed for trial therein, the same as civil cases. If judgment is rendered against any defendant for a violation of any ordinance of said city, or of any of the provisions of this act, he may take a *certiorari* to the circuit court, in the same manner, and within the same time as in civil cases before justices in townships, and no common-law *certiorari* in any case shall be allowed.

SEC. 14. The record of all proceedings and judgments aforesaid shall be kept and entered by such justice in his general docket, and all the laws of this State now or hereafter existing in relation to the entry of judgments in civil cases by justices of the peace shall apply to proceedings before justices in said city for a violation of any ordinance or of any of the provisions of this act. All judgments rendered by justices under the provisions of this chapter may be proved in the same manner that is now or may be hereafter provided by law for proving the proceedings or judgments of jus-

Convertible
terms.

tices in townships in civil cases. All other proceedings in the progress of any case, from its commencement until the rendition of judgment, for a violation of any ordinance of said city, or any provision of this act, shall be the same as in civil cases before justices of the peace in townships, except as is herein provided to the contrary. Whenever it becomes necessary to give effect to any provision of this act, all courts shall hold the singular number to mean the plural and the plural number to mean the singular. The words he, his, himself, shall be held to include she, her, and herself, whenever used in this act.

Proceedings to
be liberally con-
strued.
Marshal's
return, effect of.

SEC. 15. All proceedings before said justices, or in any other court having jurisdiction under the provisions of this act, shall be construed liberally. The return of the marshal, or any of his deputies, or of any constable of said city, to any warrant, summons, or other writ or process placed in his hands for service, issued by any justice of said city, under the provisions of this act, shall have the same effect in giving the justice jurisdiction, and as evidence, as the return of a sheriff, or constable, in any civil process issuing out of any of the courts of this State.

Commitment,
form of.

SEC. 16. All commitments issued against any person sentenced to the county jail, for a violation of any ordinance of said city or of any of the provisions of this act, shall be substantially as follows: To the marshal of the city of Negaunee, and to the keeper of the county jail of Marquette county:

Whereas, was convicted before me, a justice of the peace of the city of Negaunee, on the day of 18...., of having violated an ordinance of said city entitled [here insert the title of the ordinance, or the number of the section and chapter of this act violated, or both, as the case may be], and, whereas, on such conviction I sentenced him [or them] to pay a fine of [here insert the fine, or fine and costs imposed, and the alternative imprisonment], and said fine and costs have not been paid, therefore,
In the name of the people of the State of Michigan,

You are hereby commanded to take the said
....., and deliver him to the keeper of said jail, and you, the said keeper, are hereby commanded, in the name of said people of the State of Michigan, to safely keep said
..... in your custody for
days from the date of said conviction, unless he pays said fine and costs, or is otherwise discharged, according to law.

Dated, Negaunee, Michigan, 18....

....., Justice.

Party to be dis-
charged on pay-
ment of costs.

If any person so committed shall pay the fine and costs stated in said commitment to said keeper, together with the accrued cost of his board, said keeper shall discharge such person, and forthwith pay over said fine and costs to the treasurer of the city of Negaunee. When any person is directed to be imprisoned in said city prison, the commitment shall be directed to the keeper of said city prison. The marshal, or any of his deputies, or any constable of said city, shall have power to execute such commitment. The

Commitment,
direction and
execution of.

foregoing form of commitment shall be the final process (except as is herein provided to the contrary) used in all actions under the ordinances of said city or provisions of this act, where judgment is rendered against the defendant, whether commenced by complaint or summons.

SEC. 17. In all suits in which the corporation of the city of Negaunee shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as an officer, witness, or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with all the inhabitants of said city. Residents not disqualified, etc.

SEC. 18. The mode of procedure in this chapter contained shall be held and deemed to apply to violations of the ordinances of said city or the provisions of this act only. The mode of procedure in civil and criminal cases and proceedings shall be the same as before justices of the peace in townships under the general laws of the State; and by the term civil cases is meant all civil actions and proceedings that may be brought before justices in townships under the general laws of the State. In the trial of any case for the violation of any ordinance of said city, the justice trying such case shall take judicial notice of the existence of such ordinance. Mode of procedure, etc.

CHAPTER VIII.

OF TAXATION, TAXES, AND THE COLLECTION THEREOF.

SEC. 8. The common council shall have authority to assess, levy, Taxation. and collect taxes on the real and personal estate taxable in said city in each year by general tax for the following purposes:

First, For city purposes for defraying the ordinary expenses of the city, one-half of one per cent on the valuation of the taxable property of said city in each year; General purposes.

Second, For highway purposes, for opening and improving the streets, highways, and water-courses of said city, one-half of one per cent on said valuation; Highway purposes.

Third, For fire department, for purchasing and maintaining fire engines, hose, hooks and ladders, and hose-carts, and the necessary land and houses for keeping the same, for defraying the expenses of the fire department, including salaries of engineers and firemen, and for building reservoirs, one-half of one per cent on said valuation. The foregoing funds shall be placed in separate columns on the tax roll of said city, and shall be known as the city tax, highway tax, and fire department tax, respectively, and shall be placed on the same roll with the State, county, and school tax. All taxes raised in said city for school purposes, including the two-mill tax and library tax, shall be placed in one column, and shall be known as the school tax. Said common council may also levy and raise by tax, in addition to the foregoing taxes, such sum or sums as may be required to pay any indebtedness of said city lawfully contracted, maturing or falling due within the ensuing year, arising from loans previously made by the city, or the interest thereon, or to pay for any property purchased by said city, authorized by the Fire department.
Separate columns in tax roll.
School tax.
Special tax to pay indebtedness

Taxes a lien upon property.

Council may raise other taxes.

Council to determine amount of taxes.

Duty of recorder and assessor.

No property exempt, except, etc.

provisions of this act, and any such tax shall be placed in a separate column on said tax roll, and shall be known as special tax. All of said taxes shall be a lien on the property on which they are levied from the first Monday of December of the year in which they are assessed until paid, and shall also be a personal charge against the persons assessed on said roll from the second Monday of May of each year. The common council shall have no power to raise any additional taxes in any year in said city, except as provided in this section, unless otherwise authorized by any of the provisions of this act, or by the general laws of the State.

SEC. 11. It shall be the duty of the common council of said city, on or before the Friday preceding the second Monday of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the recorder, on or before the Saturday preceding the second Monday of October in each year, to furnish to said assessor a statement, certified by said recorder, of the taxes voted to be raised in said city, who shall lay the same before the board of supervisors of Marquette county, at its annual meeting in each year; and it is hereby made the duty of said assessor to levy the same, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State; and no property shall be exempt from taxation in said city except such as is now or may hereafter be exempted under the general laws of the State.

CHAPTER IX.

COMPENSATION OF OFFICERS.

Compensation of officers.

SECTION 1. The officers of said city shall be entitled to receive out of the city treasury the following sums in full payment for their services. The mayor and aldermen shall be entitled to no compensation; the recorder, city attorney, and assessor shall be entitled to receive respectively such sums as the common council may allow, not exceeding three hundred dollars per annum each; the marshal shall be entitled to receive not to exceed seven hundred dollars per annum, which shall be in full for all his services rendered to said city, except that the common council may vote a sum not to exceed fifty dollars per annum for fuel and lights for the city prison. Said marshal shall be entitled to receive from said city for the board of prisoners confined in said city prison, on city process, the same compensation allowed the sheriff of Marquette county for board of prisoners by the board of supervisors. Said marshal shall not receive from said city any other compensation, fees, or perquisites, except as hereinbefore provided. The justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers for similar services, but the marshal acting as deputy or under sheriff or constable shall be entitled to no compensation from the city for

any services rendered by him to said city as such deputy or under sheriff or constable. The street commissioner shall be paid at the rate of not to exceed two dollars and fifty cents per day for his services for the time he is actually employed, and at the same rate for parts of days, not to exceed three hundred dollars per annum. The directors of the poor and school inspectors shall be entitled to not more than two dollars per day for the time actually employed by them. Policemen and night watchmen shall be paid not more than two dollars per day or night for actual services rendered. The common council shall have full and exclusive authority to prescribe the compensation of the foregoing officers of said city, subject to the foregoing limitations. If any officer whose compensation is limited in this act accepts, receives, or takes a greater salary, or compensation, or fees, or perquisites, than is prescribed and limited in this act, in any manner whatever, either directly or indirectly, from said city, he, and all members of the common council voting or allowing him the same, shall each be deemed guilty of a misdemeanor, and shall be punished by fine of not less than fifty dollars nor more than one hundred dollars, with costs, or by imprisonment (in default of payment of fine), not less than thirty days nor more than ninety days, in the discretion of the court.

Council may fix compensation.

Penalty for receiving excessive fees.

SEC. 4. For the collection of all taxes, the city treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as is or shall be prescribed by law for township treasurers, and may be added by him to the taxes in like manner as township treasurers are or may hereafter be authorized to add the same. He shall be entitled to no compensation from said city for any services rendered in his capacity as treasurer. Whenever he is authorized to collect any special assessment he will be entitled to receive such percentage as may be allowed by the common council for collecting, not to exceed four per cent, except as is herein provided otherwise, which percentage shall in all cases be paid by the parties assessed, and not by the city. He shall keep the accounts of the city in a fair and systematic manner; in such manner as shall be ordered by the common council. The mayor or common council shall have the right at any time to inspect his books of account, vouchers, and other papers or documents held by him as such treasurer. He may have a deputy, for whose acts and compensation he will be wholly responsible.

Compensation of treasurer.

Accounts of treasurer.

Deputy treasurer.

CHAPTER XI.

LICENSES.

SEC. 8. The common council shall have power to refuse a license to any person who, in the opinion of said council, is not a fit or proper person to be licensed for keeping a saloon or restaurant in said city. The common council shall also have the right to revoke any license at any time after it is issued. When a license is refused or revoked, as aforesaid, then if the person who has been refused a license, or whose license has been revoked, shall be found carrying on business as such saloon or restaurant keeper, he shall

Licenses.

Bond may be required.	<p>be punished in the same manner provided for punishing persons carrying on such business without a license, as hereinafter provided. The common council may, in its discretion, as a condition precedent to carrying on business, require all persons carrying on saloons to enter into a bond or recognizance to said city, in a sum not less than five hundred dollars nor more than three thousand dollars, with such reasonable and proper conditions for carrying on such business as the common council may by ordinance determine. The common council shall also have power to grade or classify the saloons of said city as shall be deemed proper or expedient by said common council, and may fix the amount of license to be paid by each grade or class, subject to the limitations of section ten of this act, and also subject to the other provisions of this act, and in establishing such grades or classes, the common council shall have power to require any saloon-keeper to file answers, verified by affidavit with the city treasurer, to any interrogations touching the class or grade to which he belongs or may belong to, which interrogatories shall be of general application to all saloon-keepers in said city, and may be adopted by resolution or ordinance of the common council. The common council shall have power to authorize the transfer or sale of licenses under such limitations as shall be prescribed by the common council, but each sale or transfer of a license must be acted upon separately. No person shall be liable to pay a license under the provisions of this chapter, upon refreshments so sold or kept for sale by such person, who pays a special tax upon his business, under or by virtue of any general law of this State, now or hereafter passed or in force, but to entitle any such person to exemption from the payment of the license herein provided for, he must pay such special tax under such general law when due according to such general law. It shall be the duty of the treasurer to furnish a license at any and all times during business hours during the week, to any person applying for the same, and not prohibited by the common council, who shall pay the amount required for such license by the ordinances of the common council, or by the provisions of this act; and all moneys received by him for licenses shall be placed to the credit of the "license fund." It shall be the duty of the recorder to furnish the treasurer with a list of the names of all persons to whom the common council have decided not to issue a license.</p>
Saloons may be classified.	
Transfer of licenses.	
License not required of persons paying special tax.	
Duty of treasurer and recorder.	
Liability of persons doing business without license.	<p>SEC. 11. It shall be the duty of the marshal to proceed against any person who is carrying on business without the license required by the provisions of this chapter, and any other person having cognizance of the facts may also make complaint. Such proceedings may be by summons as provided in chapter seven of this act, in which case the person proceeded against shall, if adjudged liable, forfeit and pay to said city five dollars per day for each and every day that such person has carried on business without the license required by the provisions of this chapter, or after such license has been revoked, or such person may be proceeded against by complaint and warrant, in which case such person shall, upon conviction, be punished by fine not less than fifty dollars, nor</p>
Penalties and proceedings to recover.	

more than one hundred dollars, or in default of payment of such fine with costs, by imprisonment not less than thirty days, nor more than ninety days in the county jail, in the discretion of the court. Any judgment rendered under this section shall be a bar to any other proceedings under this section, up to the commencement of the suit in which such judgment is rendered, providing such judgment is paid and satisfied, but not otherwise. It shall be no variance if on the trial it is shown that the defendant is only an agent or servant for some other party, but for all the purposes of this chapter, the servant or agent shall be equally liable with his principal, and in all cases, under this section, one or more persons may be proceeded against in the same summons or complaint for keeping the same place of business for which a license is required, and on the trial, any of such persons as shall not be proved guilty shall be acquitted, and the remainder may be adjudged liable or be convicted, and no plea of abatement shall be allowed for misjoinder or non-joinder of parties defendant. The words he, his, himself, as used in this chapter, shall be held and deemed to mean and include the words, she, her, herself, respectively.

Judgment,
effect of.

Agent equally
liable with prin-
cipal.

Impleading and
technical terms.

SEC. 13. All revenues derived from licenses under this chapter shall be appropriated for the following purposes, to wit:

Revenues, how
appropriated.

First, The first three hundred dollars received by the city treasurer shall be credited to the library fund, and shall be used in purchasing books for the city library, and shall be subject to the order of the board of school inspectors of said city;

Library pur-
poses.

Second, The remainder, if any, of such revenue, shall be expended in paying the debts of the city lawfully contracted, in maintaining the fire department, in paying the salaries of city officers, or for any other lawful purposes under this act, in the discretion of the common council.

Debts of city.

SEC. 14. By the term saloon, as used in this chapter and act, it shall be held and deemed to include all places where beverages or other refreshments are kept for sale, and no person shall be exempt from paying a license, because he or she sells intoxicating drinks, but such person may be proceeded against if such drinks are sold in violation of any general law of this State. Whenever any person is complained of for keeping any place of business, without the license required by this chapter, or after such license is revoked, evidence tending to show that such person is reputed in the neighborhood to be the keeper or owner of such place of business, shall be competent on the trial of the cause to sustain the charge as made by the complainant. It shall not be necessary to show sales of refreshments or beverages to particular individuals. The defendant shall be competent as a witness in such cause, and subject to all the duties and liabilities of witnesses in civil cases before justices of the peace. Oysters, soda-water, and cigars shall be held and deemed to be refreshments within the meaning of this chapter, when kept for sale in any place of business where intoxicating liquors are kept for sale, no matter whether such liquors are sold in violation of law or not.

Term "saloon,"
defined.

Common repute,
evidence.

"Refreshments"
defined.

SEC. 15. Whenever the saloon keepers of said city to the num-

Suit in equity to compel saloon keepers to pay license, etc.

ber of fifteen or more, refuse to pay the license required by the common council, or by the provisions of of this act, the common council of said city may proceed, by bill in equity and injunction, to compel such saloon keepers to pay the license required, and to stop carrying on such business of a saloon until such license is paid. Such suit or suits in equity shall be entirely independent of any action at law authorized by this chapter, against such saloon keepers for non-payment of license. Such bill shall be filed in the circuit court in chancery, and the injunction may be allowed by the proper officer as in other injunction suits, and any person violating such injunction shall be punished as in other cases for the violation of injunctions. The proceedings shall be the same as in other chancery cases, except as is herein provided to the contrary. The city of Negaunee shall be complainant, the said saloon keepers, to the number of fifteen or more, shall be defendants. New parties defendant may be added to the bill at any stage of the proceedings before the final hearing, and an injunction shall issue against such new parties from time to time as they are made defendants. The remedy in equity may be carried on simultaneously with the remedies at law herein given. The jurisdiction of the circuit court in chancery shall be full, adequate, and complete to enforce the provisions of this chapter. The city may discontinue as to any of the defendants in said bill whenever such defendants comply with the ordinances of the common council or provisions of this act, and the court shall have jurisdiction to proceed to a final decree against the remainder. The hearing shall be in open court as in a suit at law. The bill and answer must be both verified.

Assessor's list.

SEC. 18. The list made by the assessor and the treasurer's copy thereof, and the treasurer's warrant, issued to the marshal with list annexed, shall be *prima facie* evidence of the facts therein contained, and shall be admissible as evidence in the trial or hearing of any action at law, or suit in chancery arising under the provisions of this chapter. All goods and chattels levied upon by the marshal or other officer shall be sold by public vendue, in the same manner prescribed by law for the sale of goods and chattels seized by township treasurers for non-payment of taxes, and if any balance remains after the payment of the license and expenses and costs of sale, it shall be paid over to the owner of said goods and chattels so seized.

Sale of goods by distress.

When treasurer to issue special warrant.

SEC. 19. In case any person or persons commence business after the first Monday of June in any year without the license required by this chapter, the treasurer shall, if satisfied that such person or persons come within the provisions of this chapter, issue a special warrant against the goods and chattels of such person or persons in the manner prescribed in section nine, if the general warrant provided for in said section is already issued or returned. Such warrant may be renewed by the treasurer from time to time, for a period not exceeding ten days each time. All licenses due to said city on the first Monday of June in each year shall become a vested right of property in said city, the same as any other property owned by said city. Any ordinance reducing the rate of license to

Warrant may be renewed.

Licenses due to vest right of property in city.

be paid shall not take effect until the first Monday of June following thereafter. When ordinance to take effect.

CHAPTER XII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

SEC. 3. The members of each and every fire company organized in said city pursuant to the provisions of section seven of this chapter, shall be exempt from serving on juries in the circuit court upon complying with the conditions hereinafter required. The common council may at any time disband any fire company and organize another in its stead, and the validity of the organization of any fire company in said city shall be conclusive when the common council, by resolution entered in its records, declares such company to be fully organized. In order to entitle any member of any fire company in said city to exemption from jury duty, he must be an active member thereof, and shall have been in attendance at the meetings of such company, and when such company assembles to work the engine or put out fires, on every occasion during the three months immediately preceding the application to be excused from jury duty, unless absent from the city on business or unable to attend from sickness. The circuit court shall excuse any member of any fire or hose company in said city from serving on any panel of jurors at any term of said court upon presentation to said court by said juror of the proof required by the general laws of the State, that such juror is a member of any fire company in said city. Duties and privileges of firemen.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1875.

[No. 391.]

AN ACT to amend sections two and four of title one, sections one, three, four, and ten of title two, sections two, five, fourteen, and twenty-one of title three, sections six, thirteen, fourteen, twenty-eight, and thirty-four of title four, sections two, four, six, seven, eight, and nine of title five, sections one, two, eleven, twelve, fourteen, fifteen, thirty-five, and sixty of title six, sections four and six of title seven, and sections eleven, thirteen, seventeen, and nineteen of title eleven, and to add one new section thereto to be known as section thirty-one of said title, and to add to title three two new sections to be known as sections twenty-six and twenty-seven of said title respectively, and to add to title six three new sections to be known as sections eighty-six, eighty-seven, and eighty-eight of said title respectively, of an act entitled "An act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids, approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved

March fourteen, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections two and four of title one, sections one, three, four, and ten of title two, sections two, five, fourteen, and twenty-one of title three, sections six, thirteen, fourteen, twenty-eight, and thirty-four of title four, sections two, four, six, seven, eight, and nine of title five, sections one, two, eleven, twelve, fourteen, fifteen, thirty-five, and sixty of title six, sections four and six of title seven, and sections eleven, thirteen, seventeen, and nineteen of title eleven, and to add one new section thereto to be known as section thirty-one of said title, and to add to title three two new sections to be known as sections twenty-six and twenty-seven of said title respectively, and to add to title six three new sections to be known as sections eighty-six, eighty-seven, and eighty-eight of said title respectively, of an act entitled "An act to revise the charter of the city of Grand Rapids," being amendatory of an act entitled "An act to incorporate the city of Grand Rapids, approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March fourteen, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Boundaries.

SEC. 2. The district of country in the county of Kent, and State of Michigan, hereinafter particularly described, is hereby constituted and declared to be a city by the name of Grand Rapids, and subject to the municipal government of said corporation, said district of country being bounded as follows, viz.: commencing at the northeast corner of the southeast quarter of section eighteen (18), in township seven north, of range eleven west, running south to the southeast corner of section thirty-one (31) of said township; thence west on the south line of said township to the southwest corner of the same; thence extended on the south line of township seven north, of range twelve west, to the middle of Grand River, on section thirty-four, in said last named township; thence north-eastwardly along the middle of Grand River to the point which intersects the north and south quarter line of section thirty-five, in said township seven north, of range twelve west; thence north along the line drawn through the center of sections thirty-five (35), twenty-six (26), and twenty-three (23), to the center of section fourteen (14), in said last named township; thence east to the place of beginning.

Division into
wards.

SEC. 4. The said city shall be divided into eight wards, as follows:

First, All that part of the city lying south of the center line of Fulton street; and of said central line of Fulton street extended to the center of the river, and west of the center line of Division street, and east of the center of Grand River, shall constitute the first ward;

Second, All that part of the said city lying north of the center line of Fulton street, and of said central line of Fulton street ex-

tended to the center of Grand River, and extended eastwardly to the city limits, and east of the center of said river, and south of the center line of Lyon street, and of said line extended to the center of said river, and extended eastwardly to the city limits, shall constitute the second ward;

Third, All that part of said city lying south of the central line of Fulton street, and of said central line of Fulton street extended eastwardly to the city limits, and east of the central line of Division street, shall constitute the third ward;

Fourth, All that part of said city lying north of the central line of Lyon street, and of said line extended to the center of Grand River, and extended eastwardly to the city limits, and east of the center of Grand River, and south of the central line of Fairbanks street, and of said line extended to the center of Grand River, and extended eastwardly to the city limits, shall constitute the fourth ward;

Fifth, All that part of said city lying north of the central line of Fairbanks street, and of said line extended to the center of Grand River, and extended eastwardly to the city limits, and lying east of the center of said river, shall constitute the fifth ward;

Sixth, All that portion of said city lying west of the center of Grand River, and north of the central line of Seventh street, and of said line extended eastwardly to the center of Grand River, and extended westwardly to the city limits, shall constitute the sixth ward;

Seventh, All that part of said city lying west of the center of Grand River, and south of said central line of Seventh street extended eastwardly and westwardly as aforesaid, and north of the central line of Bridge street, shall constitute the seventh ward;

Eighth, All that part of said city lying west of the center of Grand River, and south of the center of Bridge street, shall constitute the eighth ward.

SEC. 2. That sections one, three, four, and ten of title two of said act be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 1. The officers of said city shall be one mayor, one comptroller, one treasurer, one clerk, one justice of the peace in each ward of said city, one constable in each ward of said city, two aldermen in each ward of said city, one director of the poor, one collector in each ward of said city, one supervisor in each ward of said city as hereinafter provided, who shall be elected at the annual city election by the qualified electors of the whole city, or of the wards thereof respectively, by ballot as hereinafter provided; also one marshal, one deputy marshal, one chief of police, and police constables not to exceed five for each ward; watchmen not to exceed one for each ward, one health physician, and so many fire wardens, common criers, keepers of almshouse, workhouse, and penitentiary, pound-masters, inspectors of firewood, weigh-masters, and auctioneers as the common council shall from time to time direct, all to be appointed as hereinafter provided. No person shall be eligible to either of said offices unless he shall then be an elector and resident of said city, Officers.

Eligibility to office.

nor shall be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district, and when any officer hereinbefore named shall cease to reside in said city, or if elected or appointed for any ward or district, shall cease to reside in such ward or district, except police constables, his office shall thereby become vacant: *Provided, however,* It shall not be necessary for any police constable to reside in the ward for which he may be appointed.

Proviso.

Aldermen now in office to continue.

New aldermen to be elected, and term of office.

Constable.

Justice of the peace.

Proviso—justice in office to continue.

Election of other officers.

Officers appointed by council.

Police-men.

SEC. 3. The persons already elected to and now holding the office of alderman for the several wards of said city, shall continue to hold said office and discharge the duties thereof in the wards as herein constituted, and in which they reside, until the expiration of their several terms of office, and at the first annual election to be held in said city, after the passage of this act, there shall be elected one alderman in each ward of said city, by the electors of said wards, who shall hold his office for two years, and at each annual election thereafter to be held, one alderman shall be elected in each ward, who shall hold his office for the term of two years. There shall be elected annually in each ward, by the electors thereof, one constable, to hold his office for one year. At the first annual election after the passage of this act, there shall be elected by the electors of each ward, one justice of the peace, who shall hold his office for the term of four years from the time he enters upon the duties thereof as hereinafter provided, and at every fourth annual election thereafter, unless a vacancy shall sooner occur, there shall be elected one justice of the peace, who shall hold his office for four years: *Provided, however,* that the persons already elected to the office of justice of the peace in said city, shall continue to hold their said office, in the several wards for which they were elected, for the remainder of their term, and in such wards there shall be no justice of the peace elected until the expiration of the term for which they were elected, or until a vacancy shall otherwise occur, and there shall also be elected annually by the electors of the whole city, voting in their respective wards, one mayor, one treasurer, one director of the poor. At the second annual election after the passage of this act, and at the annual election every two years thereafter, there shall be elected in said city by the electors thereof, voting in their respective wards, one clerk, one comptroller, who shall each hold his office for the term of two years, and at each annual election after the passage of this act, one collector and one supervisor in each ward, by the electors thereof, for the term of one year.

SEC. 4. The common council shall, on the first Monday in May after the passage of this act, or within twenty days thereafter, and on the first Monday in May in each year thereafter, or within twenty days after that time, appoint by ballot one commissioner for the city cemeteries, who shall hold his office for two years. On the first Monday in May in each year after the passage of this act, or within twenty days thereafter, the common council may appoint one chief of police and police constables, not to exceed five for each ward, who shall have the same power and authority as constables

now have by law, except as to the service and return of civil process and proceedings in civil cases, and shall be subject to the same liabilities and regulations, except as herein otherwise provided. The said chief of police and police constables shall also have power and authority to execute, serve, and return all process for the enforcement of all by-laws and ordinances of said city, and the provisions of this act, issued by the police court of said city, or by any justice of the peace in said city for violation thereof; they shall also at the time aforesaid, appoint the watchmen for said city, not to exceed one for each ward, of whom they shall designate one as captain of the watch; they shall also appoint at the time aforesaid one health physician, and so many fire wardens, common criers, keepers of alms-houses, pound-masters, weigh-masters, inspectors of firewood, and auctioneers, as the common council shall deem necessary; they shall also at the time aforesaid appoint one marshal for said city, who shall hold his office for a period not exceeding one year; and they may at the time aforesaid appoint a deputy marshal, who shall hold his office for a period not exceeding one year, who shall perform such duties in addition to those prescribed in this act as the common council shall prescribe by ordinance or resolution; he shall also give a bond in such amount and with such sureties as the common council shall prescribe, to be approved by the mayor, and he shall receive such salary as the common council shall determine. The common council shall contract with a counselor-at-law to perform such services as may be required of him as an attorney and counselor-at-law for said city, for such period, not exceeding two years, and for such compensation for himself and all necessary assistance as shall be just. They shall also, at the time aforesaid, appoint all other officers whose appointments are provided for by said common council by the provisions of this act. All officers appointed by the common council shall be so appointed by ballot, and a majority of all the members elect of said council shall be necessary to a choice. They shall hold their offices for a period of one year from the time of their appointment, and until their successors are appointed and qualified, unless sooner removed as herein provided, or unless a different time shall be herein specially designated.

Watchmen.

Health physicians, fire wardens, etc.

Marshal.

Deputy marshal.

City attorney.

Other officers.

Council to appoint by ballot.

Term of office.

SEC. 10. The inhabitants of said city being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act, and each person offering to vote at any such election, if challenged by any elector of said city, before his vote shall be received, shall take one of the oaths now provided by the laws of this State, approved January twenty-seventh, eighteen hundred and fifty-one, entitled "An act to provide for holding general and special elections," unless such person shall claim to be an elector under the proviso named in section thirty of this title, and in that case the oath shall be varied according to that proviso, which oath shall be administered to him by one of the inspectors of election, and if any person shall swear falsely, upon conviction thereof he shall be liable to the pains and penal-

Qualification of electors.

ties of perjury; but the common council of said city are hereby authorized and empowered to provide by general ordinance from time to time to so change the form of the oath or oaths to be administered to such elector (if challenged) as to conform to the constitution and laws of the State which may from time to time be in force.

Sections amended.

SEC. 3. That sections two, five, fourteen, and twenty-one of title three of said act be and the same are hereby amended so as to read as follows:

Presiding officer of council.

SEC. 2. The common council shall, on the first Monday in May in each year, or within ten days thereafter, elect by ballot one of their number, who shall be known as president of the council, and who shall possess the same powers, and perform and discharge the municipal duties of the mayor, during the absence, inability, death, resignation, or removal of the mayor. The mayor when present shall preside at the meetings of the common council, and in his absence the president of the council shall preside, but if both the mayor and the president of the council be absent, then the common council shall appoint one of their number who shall preside.

Each alderman to have one vote in council.

SEC. 5. In the proceedings of the common council, each member present shall have one vote, except the mayor, who shall only have a casting vote, when the votes of the other members are equally divided; but the president of the council shall vote only as a member of said council, and shall not have the aforesaid casting vote.

Limit of fines and penalties.

SEC. 14. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a fine, penalty, or forfeiture, not exceeding five hundred dollars (unless the imposition of a greater penalty, fine, or forfeiture, be herein otherwise expressly provided), for a violation thereof, and may provide that the offender or offenders, on failure to pay the fine, penalty, or forfeiture imposed, shall be imprisoned in the county jail of Kent county, or any city penitentiary, jail, workhouse, or almshouse, or in the house of correction of the city of Detroit, for any term not exceeding six months, which said fines, penalties, and forfeitures may be sued for and recovered with costs, in the name of the city of Grand Rapids, which said suit may be commenced by summons or warrant, in the police court of said city.

Licensing saloon-keepers, etc.

Penalty for exercising business without license.

SEC. 21. No person shall engage in or exercise the business or occupation of hotel or tavern-keeper, inn-holder, common victualer, or saloon-keeper, within the limits of said city, until he is first licensed as such by the common council; and any person who shall presume to exercise such business or occupation without having first obtained such license shall be liable to a fine of two dollars for every day he shall so exercise such occupation or business, and costs of prosecution, on complaint before the police court of said city, and in default of the payment thereof, shall be imprisoned in the jail of the county of Kent, or in any jail, workhouse, or lock-up, of said city, or in the house of correction of the city of Detroit. All hotel or tavern-keepers, common victualers, and inn-

holders who shall keep a bar in connection with their hotel, tavern, inn, or common victualing establishment, and all grocers, druggists, and other persons who shall sell beverages by the glass or cup in their respective establishments, which are usually sold in a saloon, and all persons who shall sell beverages by the glass or cup at any festival, garden, or out-door place of amusement, which are usually sold in a saloon, shall be deemed saloon-keepers within the meaning of this act, and shall be required to take a license as such: *Provided*, That nothing in this act shall be construed as licensing the sale of intoxicating liquors as a beverage. "Saloon-keepers" defined.

SEC. 4. That title three of said act be and the same is hereby amended by adding thereto the following sections to stand as sections twenty-six and twenty-seven of said title, viz: Sections added.

SEC. 26. The common council shall have power to appoint an inspector of gas meters, and to prescribe, by ordinance or resolution, his powers and duties, fees and compensation. Council to appoint inspector of gas meters.

SEC. 27. The common council of the city of Grand Rapids shall have power to contract with the proper authorities of the house of correction of the city of Detroit, that the said house of correction may receive and hold in charge and custody all persons who have been sentenced to imprisonment in said house of correction by the proper courts of the said city of Grand Rapids during the term of such imprisonment. Power of council to contract with authorities of house of correction of Detroit for imprisonment of persons.

SEC. 5. That sections six, thirteen, fourteen, twenty-eight, and thirty-four of title four of said act, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 6. The annual listing, valuation, and assessment of property in each ward of said city, shall be made by the supervisors thereof, at the same time and in the same manner provided by the general laws of this State, except as in this act otherwise provided. Annual assessment, etc.

SEC. 13. The city marshal shall be superintendent of the city, and it shall be his duty to superintend, under the general direction of the common council, all work not properly in charge of the board of public works, to be done or performed, ordered, or required to be done or performed, upon or in relation to any of the public streets, walks, bridges, sewers, or public pumps, reservoirs, or grounds of said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council shall be required. Powers and duties of marshal.

He shall also, on or before the first Monday in June in each year, or within ten days thereafter, make a complete list of all persons doing business in the city, for which a license is required by this act, or by the ordinances of the common council, and shall state in said list the business followed by each, and his place of business. It shall also be his duty to prosecute all persons who shall be found doing business for which a license is required, without such license, after the first Monday in July in each year. He shall also have power to arrest, without process, all persons who shall in his presence be engaged in the violation of any of the provisions of this act, or the ordinances of the common council; and shall also have power to serve, execute, and return all process, civil and criminal, which

To make annual list of persons doing business.

To prosecute for failure to take out license.

May arrest without process, etc.

	may be issued for the purpose of enforcing the provisions of this act, or of said ordinances.
Superintendents of cemeteries.	SEC. 28. The superintendents of the city cemetery or cemeteries shall have care of the city cemetery or cemeteries, and of all the grounds and other property belonging thereto, subject to the ordinances and directions of the common council; they shall make
Duties and compensation.	such improvements upon the property as they may think expedient, but shall not expend in any one year more than three hundred dollars, without the consent of the common council previously obtained: <i>Provided</i> , That the said superintendent shall not expend
Proviso—limit of expenditure.	over one hundred dollars in any one year, upon any one city cemetery, without the consent of the common council; and said superintendents shall report quarterly to the common council the amount expended by them in the improvement of said property.
Quarterly report.	SEC. 34. The common council shall annually determine the salary or compensation to be paid to the several officers of said city within the limitations hereinafter prescribed, and which shall be as follows, to wit: To the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding one thousand dollars per annum; to the city treasurer, a sum not exceeding four hundred dollars per annum; to the city marshal as superintendent of streets, a sum not exceeding one thousand dollars per annum: to each alderman of said city, a sum not exceeding two hundred dollars per annum; to each of the commissioners of city cemeteries, a sum not to exceed one hundred dollars per annum; and to the city attorney, such sum for himself and all necessary assistants in the performance of his duties, as to the common council may seem just; and they may also establish the fee or salary to be paid to all other officers whose fees or salaries are not prescribed by law for services performed, or to be performed for said city, in all cases where such fee or salary is to be paid from the city treasury. The clerk of said city is hereby authorized to administer all oaths required to be administered by the provisions of this act, but shall receive no compensation from said city therefor.
Salaries of officers.	
Sections amended.	SEC. 6. That sections two, four, six, seven, eight, and nine of title five of said act be, and the same are hereby amended so as to read as follows:
Limit of taxation.	SEC. 2. For the purpose of defraying the expenses and all liabilities incurred by said city, and for highway purposes, and paying the same, and for sewer purposes, and paying for the same, and for the purpose of creating and replenishing the funds provided for in title eleven of this act, the common council may raise annually, by taxation levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding three per cent on the valuation of such real and personal property within the limits of said city, according to the valuation thereof, taken from the assessment rolls of the year preceding the levying of such tax, and the sum or sums to be raised shall be apportioned between the several wards of said city in the manner in this act provided: <i>Provided, however</i> , That such limitation

shall not apply to the raising of any sum or sums of money necessary to be raised by taxation upon the real and personal property of said city, for the purpose of paying the principal of, or interest upon, any bonded indebtedness of said city, arising from a loan for a term of years, according to the terms thereof.

Proviso—limitation not to apply to raising money to pay principal and interest on bonds.

SEC. 4. The collectors of the several wards in said city shall each in his respective ward have an office for the receipt of taxes, which office shall be open for the receipt of taxes from eight o'clock A. M. to five o'clock P. M., from the time the tax roll shall have been placed in their hands for collection, up, until and including the tenth day of January of each and every year, unless said tenth day of January shall fall on Sunday, in which case said period above limited shall expire on the ninth day of January, and the said collectors shall, immediately on the receipt of the tax rolls of their respective wards, give notice by publication, during the first and last weeks of the period above limited, in at least two newspapers published in said city (if so many there be), and by printed notices posted in five public places in each ward, of the location of their respective offices, and that the tax rolls are in their hands for collection, the printing of which notices shall be paid by the city, and the said collectors shall pay over to the city treasurer, weekly, all sums of money collected by them during each and every week, on account of taxes belonging to the city, for city, school, highway, or other purposes, during the life of their warrants, or during the time said tax rolls shall be in their hands for collection, and the said collectors shall, in all other respects, pay over all moneys received in payment, or on account of taxes in their respective wards, in the manner, and at the time required by law of the treasurers of the several townships of this State, except as herein otherwise provided. Any such collector who shall violate or neglect to conform to the provisions of this act, shall be subject to a fine of not exceeding one thousand dollars, or imprisonment in the jail of the county of Kent, or any jail, work-house, or penitentiary of said city, or in the house of correction of the city of Detroit, for a period not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Collector to have an office in his ward.

Notice of location of office and that tax roll is in his hands for collection.

Collector to pay over moneys weekly.

Penalty for non-performance of duty.

SEC. 6. For the collection of all such taxes the collectors, or other persons appointed to collect the same, shall be entitled to receive from the city treasury, on orders properly issued by the common council, the sum of two dollars each for every day they may be employed in their respective offices in the receipt of taxes, and to all taxes by them collected after the expiration of the period limited in section four of this title, they shall add four per centum for collection fees: *Provided*, That the fees so added and collected shall be in full for their services as collectors, except as herein otherwise provided.

Fees and compensation for collection of taxes.

Proviso.

SEC. 7. The supervisors of said city shall, in each and every year, make and complete the assessments of all the real and personal property within their respective wards, in the manner required by law for the assessment of property in the several townships of the State, and on or before the first Monday in June, and

Provisions relative to making assessments and tax rolls.

in so doing shall conform to the provisions of law governing the action of the supervisors of the several townships of this State (except as to the time limited for the completion of their assessment rolls) performing like services, and in all other respects within their respective wards, they shall, unless when otherwise in this act provided, conform to the provisions of the law governing the action of supervisors in the several townships of this State, in the assessment of property, the levying of the taxes, and issuing of warrants for the collection and return thereof, and they shall also in each year, within thirty days after the time hereinbefore limited for completing their assessment rolls, make and file, with the city clerk of said city, a true and certified copy of the assessment rolls of their respective wards for such year, and such city clerk shall receive and file the same in his office.

Council to determine taxes for ensuing year.

Clerk to certify same to county clerk.

County clerk to apportion.

Notice to board of supervisors of apportionment.

Supervisors to levy same.

Taxes a lien on property.

Sections amended.

SEC. 8. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city, highway, sewer, and other purposes within said city for the ensuing year; and it shall be the duty of the city clerk to certify the amount so to be raised, to the clerk of the county of Kent, on or before the first Monday in October in each year, and it is hereby made the duty of said county clerk of said county of Kent to apportion the amount so to be raised among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of said several wards for such year, as equalized by the board of supervisors for such year, and also to notify the supervisors of the several wards of said city of the amount so apportioned to their respective wards, within five days after the board of supervisors of said county of Kent shall have completed the equalization of the valuation of the property in the said wards of said city and the townships of said county for such year; and it is hereby made the duty of the supervisors of the several wards of said city to levy the sum so apportioned to his respective ward, and such other taxes as may be required by law, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

SEC. 9. The taxes so levied for city, highway, and sewer purposes, shall be and remain a lien upon the property on which the same was levied, in the same cases, and to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State are liens upon such property, and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for the non-payment of such city, highway, and sewer taxes, except as herein otherwise provided.

SEC. 7. That sections one, two, eleven, twelve, fourteen, fifteen, thirty-five, and sixty of title six of said act, be and the same are hereby amended so as to read as follows:

SEC. 1. The common council of the city of Grand Rapids

shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in, or grade, vacate, or abolish any highways, streets, avenues, lanes, alleys, public grounds, or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the public necessity for such improvement and the necessity for using such property, the just compensation to be made for the same, and the damages to any person arising from the establishing, extending, widening, straightening, altering, closing, vacating, or abolishing any highway, street, avenue, lane, or alley in said city, shall be ascertained by a jury of twelve freeholders residing in said city.

Powers of council relative to streets, etc.

SEC. 2. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, which shall be drawn by the attorney of the corporation, and in such resolution shall describe the contemplated improvement; and if they intend to take private property therefor, they shall declare such intention, and describe such property in said resolution, with particularity sufficient for an ordinary conveyance thereof, and further declare and describe the portion of the said city of Grand Rapids, which they deem to be benefited by such improvement, and further declare that they will, on some day to be named in said resolution, apply to the superior court of said city for the drawing of a jury to ascertain the public necessity for such improvement, and the necessity for using the property intended to be taken, if it be intended to take any for such improvement, to ascertain the just damages and compensation which any person may be entitled to if such intended improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises, and subdivisions thereof, within the district so as aforesaid declared by the common council benefited by such improvement, and the time to be named for applying to said court shall be on a day subsequent to the required publication of said resolution; and the like proceedings shall be had, whenever it shall be determined in like manner by said council to alter, close, vacate, or abolish any highway, street, avenue, lane, or alley in said city.

Proceedings prior to taking private property for public purposes.

Same proceedings for closing streets, etc.

SEC. 11. Said jury shall then determine the public necessity of the proposed improvement, and ascertain and determine the necessity for using the property intended to be taken, if it be intended to take any for such improvement, the just damages and compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by the intended improvement, and award to the owner or owners thereof such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease, lien, levy, or agreement, or to either, then said jury shall apportion and award to the owner or owners of such property, the parties in interest to such mortgage, lease, lien, levy, or agreement, or to either of them, such portions of the damage and compensation as they shall deem just.

Jury to assess damages.

Proviso relative to mortgage, liens, etc.

SEC. 12. Said jury shall apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises, or subdivisions thereof, within the district so as

Jury to apportion damages to parcels benefited by improvement

Proviso—excess
of damages over
benefits.

aforesaid declared by the common council to be benefited if the intended improvement be made, apportioning and assessing to and upon each such portion of said total damages and compensation as they shall deem just: *Provided, however,* That if the total damages and compensation to be awarded to any person or persons, as above, shall exceed the total benefits to be apportioned to, and assessed upon, any property for the benefit such property will receive, then such excess shall be apportioned and assessed to the city of Grand Rapids; which said excess so assessed and apportioned to said city, shall be a liability against the same, and shall be paid out of the general fund of said city, or the common council may provide for the payment thereof, by a general tax upon said city, to be levied and collected in the annual assessment roll for State, county, and general city taxes, and in the same manner; which said excess when so to be collected, shall be added in said roll to the general city tax: *Provided, however,* That the common council of said city shall have power to arrange with persons to whom damages may be awarded, for the payment thereof, in yearly installments, and for the purpose of carrying into effect said agreement, the bonds of said city may be issued for a rate of interest, and payable according to the terms of said agreement.

Proviso—pay-
ment of dam-
ages.

Report and
determination of
jury.

SEC. 14. Said jury shall state in their report their determination as to the public necessity of the proposed improvement, and their determination as to the necessity for using the property intended to be taken for such improvement, if it be intended to take any, and the just damages and compensation ascertained and awarded by them to the owner of any private property, or to any person claiming an interest therein by virtue of any mortgage, lease, lien, levy, or agreement, or either, to which such property may be subject, together with the name of such owner or claimant, if known, and a description of the property intended to be taken. In case any damage and compensation be awarded to any person claiming an interest in such property by virtue of any valid mortgage, lease, lien, levy, or agreement, or either, to which such property may be subject, it shall be sufficient to state further in such case the name of such interested party, the date of such mortgage, lease, lien, levy, or agreement, or assignment thereof, if there be any, by virtue of which such interested party has an interest in the property intended to be taken.

Idem.

SEC. 15. Said jury shall also state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises, or subdivision thereof, within the district so as aforesaid declared and determined by the common council to be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same, and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Grand Rapids, in the case above provided for.

SEC. 35. The board of public works of the city of Grand Rapids are hereby empowered to grade, gravel, raise, level, repair, amend,

pave, or cover with broken or pounded stone, plank, or other material, all such streets, lanes, alleys, highways, public grounds, or sidewalks in said city, and such designated portions of any street, lane, alley, or highway in said city, as the common council, by a majority vote of all the members elect shall by resolution declare to be a necessary public improvement, whether the same has previously been graded, graveled, raised, leveled, repaired, amended, paved, or covered as aforesaid, or not: *Provided*, The cost and expenses thereof shall have previously been estimated and reported to the common council: *And provided further*, That the common council shall not have authority to declare the paving of the whole or any portion of a street, lane, alley, or highway a necessary public improvement, unless it shall have first been petitioned so to do by a majority of all the property holders on said street, lane, alley, or highway, or on the designated portion thereof proposed to be improved, resident in said city; but this proviso shall not apply to the paving or repairing of gutters of graded streets.

Power of board of public works relative to streets, lanes, alleys, etc.

Proviso—cost to be previously estimated by council.

Further proviso—petition of property holders

SEC. 60. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain, as follows, to wit: the sum of one dollar and fifty cents annually for each cellar drained directly or indirectly by a drain into any public drain or sewer, and the sum of fifty cents annually for each lot or subdivision of lot, being without a cellar, drained as aforesaid into any public drain or sewer, which sums when collected, shall be expended exclusively for the repair, construction, and cleaning of sewers; and the collection of the charges to individuals for drainage in this section provided shall be enforced in such manner as the common council may by ordinance direct.

Sewer tax.

SEC. 8. That title six of said act be and the same is hereby amended by adding thereto the following sections, to stand as sections eighty-six, eighty-seven, and eighty-eight of said title, viz.:

Title amended.

SEC. 86. All that portion of the city of Grand Rapids lying on the east side of Grand River shall constitute the first sewer district of said city; and all that portion of said city lying on the west side of Grand River shall constitute the second sewer district of said city.

Division of city into sewer districts.

SEC. 87. Each district shall have its separate sewer fund, and it shall not be lawful to expend any portion of the sewer fund authorized by this act except in the sewer district in which it was raised.

Each district to have its separate sewer fund.

SEC. 88. The money paid into the city treasury to the credit of each of said sewer funds shall not be used for other purposes.

Money not to be used for other purposes.

SEC. 4. The common council shall have power to organize said city into so many fire districts as they may deem necessary; and may organize and maintain a fire department for said city, to consist of one chief engineer, as many assistant engineers and fire wardens as it may from time to time determine, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men as said common council may think best to appoint,—all to have the

Fire districts.
Fire department.

Powers of chief engineer.

Council may appoint a board of fire commissioners.

Powers and duties thereof.

Commissioners not to receive fees or salaries.

Powers and duties of engineers and fire commissioners.

Report of.

Certificate of firemen.

Sections amended.

Division of revenues and moneys into funds.
General fund.

Contingent fund.

Interest fund.

Sinking fund.

Fire department fund.

Poor fund.

Highway fund.

Sewer fund.

privileges and exemptions of firemen, and to hold their appointment during the pleasure of the council. The chief engineer of the fire department shall possess all the powers of fire warden in any part of said city, and it may be made his duty by said common council, to act in the capacity of fire warden at large. And the common council shall have power to appoint a board of fire commissioners who shall have general charge of the fire department. Said board of fire commissioners, when appointed, shall have power, and it shall be their duty to ascertain the origin of fires, and perform such other duties and exercise such powers as the common council may direct and confer by ordinance. But such commissioners shall receive no fees or salaries.

SEC. 6. The engineers and fire commissioners, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, hydrants, and other conveniences for the extinguishment and prevention of fires; and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the fact in all courts and places, on proof of the genuineness of such certificate.

SEC. 10. That sections eleven, thirteen, seventeen, and nineteen of title eleven of said act be and the same are hereby amended so as to read as follows:

SEC. 11. The revenues and moneys of the corporation shall be divided into the following funds, viz.:

First, General fund, which shall be devoted to the payment of the expenses of the city for the payment of which, out of some other fund, no provision is herein made;

Second, Contingent fund, to defray the contingent expenses of said city;

Third, Interest fund, to pay the interest on the funded debt of said city;

Fourth, Sinking fund, to pay the funded debt of said city;

Fifth, Fire department fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of said city;

Sixth, Poor fund, to defray the expenses of providing for, and taking care of the poor of said city;

Seventh, Highway fund, to defray the expenses of keeping in repair the graded streets, highways, lanes, alleys, pavements, and crosswalks of said city;

Eighth, Sewer fund, to defray the expenses of cleaning and keeping in repair the sewers of said city;

Ninth, Public building fund, for the purchasing any real estate, for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing, and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for; Public building fund.

Tenth, Superior court fund, to maintain the superior court; Superior court fund.

Eleventh, Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from any of the funds above constituted or raised. Other funds.

SEC. 13. For the purpose of purchasing of sites for, and constructing a city alms-house, city hall, city market or markets, or any other public buildings, and for the purpose of building and constructing a public bridge or public bridges across Grand River, at any point or points within the limits of the said city of Grand Rapids, and the common council may borrow, on the faith of the city, such sums of money for either of such purposes as the common council may deem expedient, to be secured by bonds as herein provided: *Provided*, That no such sum shall be borrowed until the electors of said city shall have authorized the same by vote at a regular or special election, to be provided for by the common council, if the electors shall so decide. The common council are hereby authorized to borrow, on the faith of the city, such sums of money, for either of such purposes, as the common council may deem expedient, for a term not exceeding twenty years, at a rate of interest not exceeding eight per cent per annum, and for such purposes may issue the bonds of the city, signed by the mayor and countersigned by the comptroller thereof, and in such form and sums as the common council may direct; and such bonds shall be disposed of under the direction of the common council, or the mayor of said city, upon such terms as may be advisable, but not for less than the par value thereof, and the avails thereof shall be applied to the purposes for which the same was executed, and for no other purpose. For the purpose of supplying the city with water, the common council is hereby authorized to borrow, on the faith of the city, such sums of money not exceeding one hundred thousand dollars, in the year one thousand eight hundred and seventy-five, and fifty thousand dollars in the year one thousand eight hundred and seventy-six, and any person or persons who shall violate the provisions of this section, in reference to the disposal of said bonds, and shall dispose of said bonds, or either or any part thereof, for less than their par value, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine not less than one hundred dollars, or by imprisonment not less than three months, or by both such fine and imprisonment, in the discretion of the court. Council may borrow money for public improvements.

Proviso—borrowing money authorized by vote of electors.

Issuing of bonds.

Penalty for violation with reference to disposal of bonds.

SEC. 17. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any ordinance or regulation of the common council of said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property Executions for penalties, etc.

of the defendant, if any such can be found, and if not, then to commit the defendant to the county or city jail, or city penitentiary, or house of correction of the city of Detroit for such time as shall have been fixed therein by the court from which such execution issued; but it shall be lawful for the officer receiving such execution to take the body of such defendant therein according to the command of said writ, unless such defendant shall point out or deliver to said officer sufficient goods and chattels belonging to said defendant, liable to execution, and free from all incumbrances and levies, to satisfy the same, and the keeper of said county or city jail, or city penitentiary, or house of correction of the city of Detroit, shall receive the said defendant, and him safely keep therein during the time mentioned in said writ, unless he shall sooner pay the amount specified therein, and the costs of his detention.

Vagrancy defined.

SEC. 19. All persons being habitual drunkards, destitute, and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market-places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers, and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, passages, or other public places, or beg or receive alms within the said city; and all persons who shall frequent and be harbored in houses of ill-fame; who shall secure or provide business for such houses by inducing persons to visit the same, and who shall derive any profit or gain from such acts, or reward or share of profit from the women residing in such houses, and who shall be in consideration of such acts, in whole or in part supported by said women, shall be deemed vagrants, and may, upon conviction in the police court of said city, be sentenced to confinement at hard labor in the county jail or city penitentiary, or in the house of correction of the city of Detroit, for any term not exceeding sixty days.

Title amended.

SEC. 11. Title eleven of said act is hereby amended by adding a section thereto to stand as section thirty-one of said title, which said section shall read as follows:

Council to contract for public printing.

SEC. 31. The common council of said city shall annually contract with the publisher or publishers of some daily newspaper, published and circulated therein, to do the public printing for said city, which said contract shall be let to the lowest responsible bidder therefor. And in letting such contract, said common council shall have power to reject any and all bids therefor, whenever in the judgment of a majority of said council the public interests require it.*

Approved May 3, 1875.

* This act was ordered to take immediate effect by both houses, but not so enrolled.

[No. 392.]

AN ACT to amend an act entitled "An act to incorporate the city of East Saginaw," approved February fifteen, eighteen hundred and sixty-nine, as amended by act number fifty-six of the session laws of eighteen hundred and sixty-one, approved February twenty, eighteen hundred and sixty-one, and act number seventy-nine of the session laws of eighteen hundred and sixty-five, approved March first, eighteen hundred and sixty-five, and act number three hundred and ninety-one of the session laws of eighteen hundred and sixty-seven; approved March twenty-two, eighteen hundred and sixty-seven, and act number two hundred and eighty-four of the session laws of eighteen hundred and sixty-nine, approved March sixteen, eighteen hundred and sixty-nine, and act number two hundred and sixty-two of the session laws of eighteen hundred and seventy-one, approved April twelve, eighteen hundred and seventy-one, and act number thirty-eight of the session laws of eighteen hundred and seventy-two, approved March twenty-nine, eighteen hundred and seventy-two, and act number two hundred and fifty-five of the session laws of eighteen hundred and seventy-three, approved April eighteen, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
 sections four and five, title two, of an act entitled "An act to incorporate the city of East Saginaw," approved February fifteen, eighteen hundred and fifty-nine, as amended, be so amended as to read as follows:

SEC. 4. At the first annual election after the passage of this act, Election of officers and terms of office.
 there shall be elected by the qualified electors of said city, voting in their respective wards, four justices of the peace, one of whom shall be elected for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, and the term for which each person is voted shall be distinguished on the ballots, who shall enter upon the duties of the office immediately upon being qualified according to law, and every annual election thereafter there shall be elected one justice of the peace, who shall hold his office for the term of four years; and every justice of the peace elected in said city shall take the oath and file his bonds within ten days after his election, and enter upon the performance of the duties of his office on the tenth day after his election, and in case of vacancy in said office of justice of the peace, the same shall be filled at the succeeding annual election as provided by law. There shall also be elected by the qualified electors of said city, voting in their respective wards, one mayor, one treasurer, and one director of the poor, who shall hold their offices for one year, or until their successors are elected and qualified. At the annual election in said city, in the year eighteen hundred and seventy-four, and every four years thereafter, there shall be elected by the qualified electors of said city, voting in their respective wards, one recorder, who shall hold his office for four years, or until his successor shall be elected and qualified. At the annual election

Idem.

in said city, in the year eighteen hundred and seventy-four, and every two years thereafter, there shall be elected by the qualified electors of said city, voting in their respective wards, one treasurer, who shall enter upon the performance of the duties of his office on the third Monday in June in the same year, and shall hold his office for two years, and every treasurer elected after him by said city shall enter upon the performance of the duties of his office on the third Monday in June in the year in which he is elected. At the annual election to be held in said city, in the year eighteen hundred and sixty-nine, there shall be elected by the qualified voters thereof, two aldermen for each ward, one for the term of one year, and one for the term of two years, and thereafter shall be elected annually, in each ward, one alderman for the term of two years. At the annual election in the year eighteen hundred and sixty-nine, there shall also be elected by the qualified electors thereof, in each ward, two school inspectors, one for the term of one year, and one for the term of two years, and thereafter there shall be elected annually in each ward, one school inspector for the term of two years. There shall also be elected annually, in each ward, by the qualified electors thereof, one constable, who shall give like security, perform all the duties, be vested with like powers, and be subject in all respects to the laws of the State, as provided in the case of constables in the townships of this State. There shall also be elected, at the annual election held in said city, in the year eighteen hundred and sixty-nine, in each ward, by the qualified voters, one supervisor, who shall hold office as follows: those elected for the even numbered wards for one year, and those for the odd numbered wards for two years; and thereafter, upon the expiration of said terms, their successors shall be elected for two years in each ward: *Provided*, That in case of vacancy, the common council shall have power to fill such vacancy by appointment, such appointee to hold office until the next annual election, when such vacancy shall be filled by the electors of the ward in which such vacancy shall have occurred; said supervisors shall be entitled to the same compensation, and shall be paid in the same manner, and perform all the duties of supervisors of townships, as provided by law, in their several wards, except such duties as are by this act devolved upon the assessor or other officers of said city.

**Proviso—filling
of vacancies.**

**Appointment of
officers and
terms of office.**

SEC. 5. The common council shall, at the third regular meeting in the month of April in each year, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices named, appoint, by ballot, one clerk of the city, one city physician, one city surveyor, one street commissioner, and one chief engineer of the fire department, to hold their respective offices for one year, or during the pleasure of the common council. They also shall appoint two commissioners for the city cemetery or cemeteries, one of whom shall hold his office for the term of two years, and one of them for the term of one year; and annually thereafter the said common council shall appoint one commissioner of the city cemeteries, who shall hold his office for two years. They shall also ap-

point two police commissioners, one of whom shall hold his office for the term of two years, and one for the term of four years; and every two years thereafter they shall appoint one commissioner of police who shall hold his office for four years. They shall also appoint one city attorney to act as attorney and counselor-at-law for said city, who shall hold office for one year, or during the pleasure of the common council, and who shall receive an annual salary to be fixed by the common council, and who shall not receive for any duties imposed or services rendered to said city during the term of his office, besides the salary, any fee or reward whatever, which shall be paid out or withheld from the treasury of said city. The common council shall also appoint one keeper or keepers of the workhouse, almshouse, or hospital, inspectors of gas and gas meters, common criers, clerks of city markets, or for city officers, inspectors of firewood, hay, and provisions, pound-masters, sealer of weights and measures, weigh-masters, auctioneers, scavengers, and such other officers or boards of officers as are herein provided for, or which may be created by the ordinances of said city made pursuant to the provisions of this charter, and such appointments shall be made in such manner as the said common council shall authorize and direct, and all such appointees shall hold their offices during the pleasure of said common council.

SEC. 2. That section eleven of title four be and the same is hereby amended to read as follows: Idem.
Sections amended.

SEC. 11. The treasurer shall receive all moneys belonging to the city, except such as are required to be kept in the hands of the controller, and shall receive all taxes of said city levied by order or authority of the common council, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims, and dues to said city arising from rentals, leases, sales of property, or claims of any other nature whatever not herein otherwise provided for; he shall hold all bonds, notes, mortgages, and other evidences of debt or value belonging to said corporation; he shall deposit the moneys of the city under the direction of the common council, and shall keep an accurate account of the same and all receipts and expenditures thereof, and with every fund and appropriation thereof made by this act or by the authority and direction of the common council, he shall pay no money out of the treasury, except in pursuance of or by authority of law or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller, or of coupons and bonds regularly and lawfully issued by said corporation: *Provided*, That all school moneys and all interest on school moneys shall belong to and be paid over, once in each week, to the board of education of said city; he shall keep an accurate account of and report to the controller, once in each week, a detailed statement of all taxes collected and money received, as well as all moneys disbursed, and at the end of every quarter shall make a full settlement with the controller and finance committee of the common council, producing the vouchers of all transactions, which vouchers shall be cancelled by said controller and committee, and the

Sections amended.

Duties of treasurer.

To collect rents, etc.

Relative to bonds, notes, etc.

Payment of money by.

Proviso—school moneys to be paid weekly to board of education.

Weekly statement of moneys received and disbursed.

Payment of
bonds and con-
pons.

Warrants.

Proviso—what
warrants not to
draw interest.

Treasurer to
keep an office.

Collection of
taxes.

Warrant of
controller.

Weekly state-
ment of col-
lections.
Return of rolls.

Proviso—State
and county tax-
es to be returned
to county treas-
urer.

Deputy treas-
urer.

Powers of.

Treasurer
responsible for
acts of deputy.

result of said settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same are issued, and warrants shall be paid only out of moneys in the funds, against which the same are drawn as written upon the face thereof. Whenever any warrant is presented for payment, if there is no money in the fund upon which such warrant is drawn, the treasurer shall indorse the date of such presentation on the back of such warrant, which shall thereafter draw interest at the rate of seven per cent per annum for a period not exceeding six months, unless the same shall be again presented for payment and indorsed; and the treasurer shall compute interest as above provided, and pay the same when such warrant is redeemed, and charge the amount so paid for interest to the interest fund: *Provided*, That warrants drawn for special improvements, including warrants drawn against [the] sidewalk fund, shall not draw interest. The treasurer shall keep an office in some convenient place in said city, or if the common council so elects, at a place provided by said common council, and the books and accounts in his charge belonging to the city shall be open to the inspection of any tax-payer of said city at reasonable hours in any week day, and where all bonds, coupons, and warrants shall be presented for payment; and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants, or other lawful demands, and shall pay them only when presented at his office. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer, and school taxes, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act or the laws of the State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect, levy, and sell all the taxes set forth upon any copy or transcript of any general or special roll, and so placed in his hand, the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him and mark the same paid upon the proper rolls, and shall, on Monday of each week, deposit with the controller a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon as required by the warrant of the controller, and the provisions of this act, and the laws of this State: *Provided*, The return of all State and county taxes shall be made direct to the county treasurer of the county of Saginaw. The city treasurer shall appoint one deputy treasurer, subject to the approval of the common council; such appointment shall be in writing, and shall be filed with the controller; such deputy shall have all the power and authority of the city treasurer so far as relates to the collection of taxes, subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy, and shall pay him for his ser-

VICES. The treasurer shall obey all the orders and resolutions of the common council not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers, and property of every kind and description due and belonging to said corporation, upon demand. The common council shall have power to prescribe the percentage added to all tax rolls, not herein provided for, and direct to what fund it shall be credited, and may direct the treasurer as to the deposit and safe keeping of all books and papers of his office, and require bonds with such surety and in such amount as they deem proper, for the faithful performance of his duties as treasurer; and said treasurer shall receive for his services such annual salary as the common council may direct, not less than one thousand dollars nor more than twenty-five hundred dollars per annum: *Provided*, Nothing in this act contained shall be construed to prevent the giving of bonds to the county treasurer, which bonds shall be approved as required by law.

Council to prescribe percentage added to tax roll, etc.

Salary of treasurer.

Proviso.

TITLE VI.

SECTION 3. That sections two, ten, seventeen, eighteen, twenty-one, twenty-five, twenty-six, twenty-eight, thirty-two, and thirty-seven of title six of said act be amended so as to read as follows:

Sections amended.

SEC. 2. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, and said resolution shall describe the contemplated improvement, and if they intend to take private property therefor, they shall declare such intention, and describe such property in said resolution, with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution, apply to the recorder's court of said city for the drawing of a jury to ascertain the necessity of using the property intended to be taken, if it be intended to take any for such improvement, to ascertain the just damages and compensation which any person may be entitled to if such intended improvement be made.

Improvements and taking of private property for, to be declared by resolution.

Application for jury.

SEC. 10. Each of said jurors shall go to the place of the intended improvement, and upon, or as near as practicable to any property intended to be taken and described in said resolution.

Duty of jury.

SEC. 17. Said report shall not be annulled for objections as to matters of form. All objections shall be objections of law, and to matters of substance; but the damages and compensation to be paid to any person may be inquired into, if objected to as being excessively large or small.

Report of jury, objections, etc.

SEC. 18. The said court after considering the objections thereto, if any, and after argument thereon, shall in its discretion confirm or annul said report, or may refer it back to the same jury for the purpose of reviewing all matters and correcting all errors therein contained, and making any alterations thereof which [said] court may direct, or said jury may deem just or necessary; and thereon said jury shall review, correct, or alter said report in manner aforesaid, and shall return and file the same with the clerk of said court, within five days after said report was referred back to them as

Court may confirm, amend, or refer back to jury.

Duty of jury when report is referred back.

aforesaid, and thereupon said court shall confirm or annul said report.

Right of appeal
from recorder's
court to supreme
court.

SEC. 21. Any person to whom damages and compensation may be awarded for any of his property intended to be taken, or on account of the intended improvement, considering himself aggrieved, may appeal from the judgment of the recorder's court confirming the report of the jury to the supreme court, by filing in writing with the clerk of said recorder's court a notice of such appeal and specification of errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specification of errors on the attorney of the corporation, and filing a bond in said recorder's court, to be approved by the recorder, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant, in case the judgment of confirmation of the recorder's court be affirmed.

Proceedings in
case of annul-
ment or revers-
al of report.

SEC. 25. In case of every annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensations claimed by any appellant or appellants, on filing a certified copy of said resolution in the recorder's court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said recorder's court as to all persons interested therein, except the objector, appellant, or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in case of reversal, when the proceedings may have been remanded to the recorder's court, for the correction of certain errors, in which case such errors shall be corrected, and the report of the jury confirmed, as above provided.

When proceed-
ings null and
void.

Confirmation of
report to be
final and conclu-
sive.

SEC. 26. If the report of the jury be confirmed by the recorder's court, in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein.

Apportionment
of damages.

SEC. 28. Upon the filing of a certified copy of such report in the office of the clerk of the city, the common council shall by resolution, declare what proportion of the total amount of compensation or damages awarded for the property taken shall be paid by the city of East Saginaw, and what proportion shall be assessed upon property benefited by the making of said improvement; whenever the common council shall determine that the whole or any part of such total damages or compensation shall be assessed on the owners or occupants of houses and lands benefited by the making of such improvement, they shall declare and set forth by resolution, all lots, blocks, and parcels of real estate or parts thereof, which in their opinion will be benefited, and which shall be assessed therefor, which resolution shall be printed in at least one newspaper published in said city, at least one week prior to the ordering of the assessment thereon; the owner or occupant of any property

Proceedings
relative to.

so mentioned and set forth, if he shall feel injured or aggrieved thereby, or shall take any exception thereto, shall appear at the next regular meeting of the common council and object; and the common council shall hear and determine upon such objections, but if such owner or occupant shall fail so to appear, or if the common council shall, after hearing the objections, refuse to change such designation, the same shall be final; the common council shall thereupon and thereafter make an order reciting the improvement, the amount of the total damages or compensation to be assessed as aforesaid, and the description of [the] property on which the same is [to be] assessed; the city clerk shall, within one week after the making of such order, certify a copy of the same, under seal, to the assessor of said city, who shall proceed, without unnecessary delay, to make an assessment according to such order, and make out an assessment roll, reciting in the heading thereof the improvement, and in the body of which shall be entered the names of the persons assessed, a description of the property, and the amount or amounts in dollars and cents assessed thereon: *Provided*, In all cases where the property is designated shall be vacant and unoccupied, and the ownership thereof unknown to the assessor, he shall insert in lieu of the name of said owner, the word "non-resident." The assessor shall certify upon such roll that he has made said assessments upon the persons and property described, in accordance with the order of the common council relating thereto, and that the said roll contains a just and true assessment of the costs of such improvement (stating the sum thereof), and that the several amounts assessed against each person and description of property has been set down, as nearly as may be, and to the best of his judgment, according to the benefit and advantage which such person or description of property is by him deemed to acquire from the making of said improvement. Such proceedings shall thereupon and thereafter be had relative to the confirmation of said roll and the collection of the several amounts borne thereon, as is provided in this act for the confirmation and collection of special assessment rolls for the improvement of streets, other than those for the cost of paving streets.

Aggrieved parties may appear before council and object.

Council to hear and determine objections.

Order of council reciting improvement, etc.

Clerk to certify order to assessor

Duty of assessor

Proviso.

SEC. 32. The duties above in this title to be performed by the marshal of said city, in case of the inability of such marshal, whether by absence, sickness, or any other cause, may be performed by any member of the police force of said city.

Duties of marshal may be performed by member of police force.

SEC. 37. Whenever the common council shall determine that the whole or any part of the expenses of any public improvement, not requiring the taking of any land by the said city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and cause the necessary plans and specifications to be made, and proceed to advertise and let the contract for the performance of said work to the lowest responsible bidder therefor, and the common council shall also declare, by resolution, whether the whole or what portion of the cost of such improvement shall be assessed to such owners or occupants, and the common council

Proceedings of council in case of improvements where private property is not required.

shall further declare and set forth all lots, blocks, and parcels of real estate, or parts thereof, which in their opinion will be benefited thereby, and which shall be assessed therefor.

Sections
repealed.

SEC. 4. That sections twelve and fifteen of title six of this act are hereby repealed.

Sections
amended.

SEC. 7. That sections two and seventeen of title nine shall be, and the same is hereby amended so as to read as follows:

City clerk to be
ex-officio clerk
of recorder's
court.
He may appoint
a deputy.

SEC. 2. The city clerk shall be *ex-officio* clerk of the recorder's court, and he may appoint a deputy, who shall be authorized to perform all the duties of the clerk of said court; but the clerk and his sureties shall be responsible for the acts of the deputy.

Court to estab-
lish costs and
fees of officers
of court.

SEC. 17. And said court shall have power from time to time to establish the costs and fees of all the officers of said court in civil cases, which costs and fees shall not exceed those now established by the rules and practice of the circuit court of Saginaw county for like services; and said costs and fees shall be taken and made a part of the judgment, and levied and collected therewith; and the common council of the city of East Saginaw are authorized, directed, and required to pay the said recorder in the same manner as other officers of said city are paid the sum of twelve hundred dollars per annum as a salary for his services, which shall be in full for all his services as judge of said court.

Council to pay
recorder salary.

TITLE XIII.

Sections
amended.

SECTION 9. That sections five and fourteen of title thirteen, of said act, be amended so as to read as follows:

Oath of mem-
bers of police
force.

SEC. 5. Any member of the police force appointed by said board shall, before entering upon the duties of his office, make and file with the clerk of said board the official oath provided for in this act. After filing said official oath, the policeman so appointed shall possess all the common and statutory powers of constables, except for the service of civil process; they shall have power to serve any summons, subpoena, warrant, order, notice, paper, or process whatever, issued or directed by any justice of the peace, judge, court, or officer whatever, of the State of Michigan, in the execution of the laws of this State for the prevention of crimes and the punishment of offenders, or the police laws and regulations of the city or State, in any proceeding collateral to or connected with the execution of such general laws or police laws and regulations in any part of this State, without backing or indorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoena, warrant, commitment, order, notice, paper, process whatever, issued out of the recorder's court of the city of East Saginaw, in all criminal cases, and all civil cases wherein the said city is a party in any proceedings, and shall be detailed by the proper officers to attend, instead of the sheriff, deputy sheriffs, or constables, the said recorder's court, whenever said court is engaged in the trial of criminal cases or civil cases wherein the said city is a party. For the time engaged in active service each member so engaged shall be paid such salary as shall be recommended by the

Powers of
policemen.

board and approved by the common council: *Provided, however,* Proviso—compensation. That if the common council does not approve the sum agreed upon by the board it may fix the amount of compensation at any sum not exceeding that agreed upon by the board.

SEC. 14. Any person who has no trade or occupation at which he or she actually labors, and has no visible means of support, or frequents houses of ill-fame, or places for retailing of spirituous liquors, or places where gaming for money is carried on, or any person who, having been convicted and imprisoned for any offense by any justice of the peace or any court in this State, who has no trade or occupation at which he actually labors, or frequents places for the retail of spirituous liquors, or houses of ill-fame, or places where gaming for money is carried on, or any person in whose possession burglar tools shall be found, for the possession of which he or she cannot account satisfactorily, shall be deemed a disorderly person, and shall be complained against, examined, and dealt with as is provided for by the statutes of this State for disorderly persons. Who deemed disorderly persons.

SEC. 10. This act shall take immediate effect.

Approved May 3, 1875.

[No. 393.]

AN ACT to amend sections five, nine, ten, fourteen, nineteen, twenty, twenty-seven, twenty-eight, thirty-three, fifty, and fifty-nine, of act number two hundred and twenty of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ludington."

SECTION 1. *The People of the State of Michigan enact,* That Sections amended. sections five, nine, ten, fourteen, nineteen, twenty, twenty-seven, twenty-eight, thirty-three, fifty, and fifty-nine, of act number two hundred and twenty of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ludington," be and they are hereby amended so as to read as follows:

SEC. 5. The annual election under this act shall be held on the first Monday of April of each year, at such place in each of the several wards as the common council may designate. Time of holding annual election. Notice thereof shall be given by the recorder at least eight days before the election, by publishing the same in some newspaper published in said city. Notice of. The aldermen and supervisor of each ward shall be inspectors of such election, and they shall also be inspectors of the State and county election, and shall choose the clerk thereof; and in case of the absence of one or more of such inspectors, or if no inspectors have been elected or appointed, the electors present may choose *viva voce* from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, by either of said inspectors or by any justice of the peace. Inspectors. The manner of conducting all elections and canvassing the votes and qualifications of electors in the several wards, shall be the same as that of townships, the word "ward," instead of "township," being used in the oath to be administered to an elector in Manner of conducting.

Proviso—certificate of votes given.

Council to determine who is elected.

Notice to persons elected.

Oath of office.

Proviso—certificate to county clerk of election of justices.

Tie determined by lot.

When office deemed vacant.

Council to control finances, etc.

To preserve purity of waters, and regulate mooring, etc., of vessels.

case his vote shall be challenged: *Provided*, That at such annual charter election the said ward inspectors shall make one certificate of the number of votes given in their respective wards for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificates shall be immediately filed in the office of the recorder of said city; and upon Tuesday next following the day of such election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected, of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive, for the same office, an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, which shall be considered elected to such office. In case any of the officers elected shall neglect for the term of ten days to qualify as aforesaid, the office shall thereby become vacant.

SEC. 9. The common council, in addition to the powers and duties specially conferred on them by this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and make such orders, by-laws, or ordinance relating to the same, as they shall deem necessary and proper. They shall also have power within the limits and jurisdiction of said corporation:

First, To provide for and preserve the purity and salubrity of the water of Pere Marquette Lake and river, and to regulate the cutting of ice therein; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of the said river, and other navigable waters in the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending in any manner to obstruct or impair the navigation thereof, and to remove therefrom all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels, and laying out of cargoes and ballasts from the same, so far as may apply to the docks, piers, and property owned by the city, and to appoint so many harbor masters as they may deem necessary, and to prescribe their powers, duties, and compensation;

Second, To license, continue, and regulate so many ferries and bridges within said city over Pere Marquette Lake and river for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good ;

To appoint harbor masters.

Third, To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation ; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Pere Marquette Lake and river beyond a certain line to be established by the common council, and to prohibit the incumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicle, dray, or thing whatsoever ;

To regulate ferries, etc.

To erect and regulate wharves, etc.

Fourth, To provide for the draining of any swamp, marsh, wet or low lands in said city, by the opening of ditches ; but a jury, not less than twelve disinterested freeholders of the county of Mason, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper ; also whether the benefit which will accrue to the owner or owners of any land from the opening of the ditch will or will not be equal to any damages he or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefit their lands will receive from the opening of the proposed ditch. The common council may, by ordinance, provide for and regulate the proceedings authorized to be taken under this clause. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams, and implements to cut and open said ditch ; to protect, clean, and scour it from time to time so as to preserve its original dimensions, and to prohibit and prevent all obstruction thereof, or injury thereto ;

To provide for drainage, etc.

Fifth, To regulate or prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building, on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe ; to prohibit and prevent or regulate the removal of wooden or frame buildings from any part of said city to any lot in such streets, alleys, and places, or within said limits, and the rebuilding of the same ; to regulate or prevent the rebuilding of wooden buildings on said streets, alleys, and places, or within said limits, when damaged by fire or otherwise ;

To prescribe fire limits, etc.

Sixth, To appoint one or more inspectors, measurers, weighers, and gaugers of articles to be measured, inspected, weighed, and gauged ; to prescribe and regulate their powers and duties, fees and compensation ;

To appoint inspectors, etc., of articles.

Seventh, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in vessels, or in other mode, to said city, from any port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor ;

To provide for care, etc., of paupers.

To erect city hall.

Eighth, To erect, and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same;

To prevent vice, etc.
To maintain a police.

Ninth, To prevent vice and immorality; to preserve public peace and good order; to appoint, organize, regulate, and maintain a police of the city, and to prevent and quell riots, disturbances, and disorderly assemblages and conduct;

To prevent gaming, etc.

Tenth, To restrain and prevent disorderly and gaming houses, and houses of ill-fame; the holding, keeping, or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices;

To license saloons, etc.

Eleventh, To license and regulate saloons, restaurants, and billiard rooms, or prohibit the same or any of them;

To restrain drunkards, etc.

Twelfth, To apprehend, restrain, and punish all drunkards, vagrants, mendicants, street beggars, and prostitutes, and to punish and prevent all intoxication and disorderly conduct;

To regulate exhibitions, etc.

Thirteenth, To prohibit and prevent, or license and regulate, all sports, public exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;

To abate nuisances.

Fourteenth, To prohibit, prevent, abate, and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter-house, stable, privy, hog-pen, sewer, or other offensive house or place, to cleanse, remove, or abate the same as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of the city;

To regulate location of markets, and storing of combustibles, etc.

Fifteenth, To direct and regulate the location and maintenance of all slaughter-houses, markets, and buildings for storing gunpowder and other combustible substances; to prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires, and to prohibit or regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naphtha, saltpetre, benzine, benzole, petroleum, kerosene oil, firecrackers, fireworks, and other combustible substances, and the using thereof; the exhibition of fireworks, and the discharge of firearms; the use of lights in barns, stables, and other buildings, and the making of bonfires;

To prevent incumbering of streets, etc.

Sixteenth, To prevent the incumbering or obstruction of streets, side or crosswalks, lanes, alleys, bridges, wharves, or slips, in any manner whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions;

To prevent immoderate driving, etc.

Seventeenth, To prevent and punish horse-racing and immoderate riding or driving in said city; to compel persons to fasten or secure their horses, oxen, or other animals, while standing in any of the streets, lanes, or alleys of the city; and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood, or other obstructions;

Eighteenth, To prevent dog-fights in the streets; to prevent or regulate the running at large of dogs; to impose taxes for the keeping of dogs; and to authorize their destruction when running at large in violation of any ordinance;

Nineteenth, To prohibit and prevent any indecent exposure of the person; the show, sale, or exhibition of any indecent or obscene books, pictures, or pamphlets, and all indecent exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within said city; Dogs.
Indecent exposure, etc.

Twentieth, To establish, regulate, and maintain one or more pounds; and to restrain and prevent or regulate the running at large of horses, cattle, swine, and other animals, geese, and poultry; and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding; To regulate pounds and the impounding of cattle, etc.

Twenty-first, To prevent every species of gaming, and to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; To prevent violation of the Sabbath.

Twenty-second, To protect and regulate all cemeteries or graveyards within the city; and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of bills of mortality; To regulate cemeteries, etc.

Twenty-third, To prohibit the bringing or depositing, within the limits of said city, any dead carcass or other unwholesome or offensive substances, and to provide for the removal or destruction thereof, wheresoever found; Offensive substances, etc.

Twenty-fourth, To lay out, establish, make, alter, and regulate market places and public parks or grounds, and regulate the measuring and selling of firewood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds; To regulate markets, etc.

Twenty-fifth, To regulate the setting of awning and other posts, and to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same; Posts and shade trees.

Twenty-sixth, To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the common council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council shall deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act; Meetings of electors, and compensation of officers.

Twenty-seventh, To survey, ascertain, and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, public parks, squares, and spaces in said city; to prohibit and remove all encroachments upon the same in any manner, and to Boundaries.

- provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;
- To regulate public houses, etc. *Twenty-eighth*, To license and regulate the keeping of hotels, taverns, and other public houses, groceries, and saloons, and victualing and other houses or places for furnishing meals, food, or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys; also, to license and regulate or prohibit auctioneers, hawkers, peddlers, and pawnbrokers, and regulate auctions, hawking, and pawnbrokerage; and to prevent disturbing noises in the streets;
- Auctioneers, etc. *Twenty-ninth*, To license and regulate butchers, and keepers of shops, stalls, and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen and hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts, or drays, used in carrying persons or property for hire, and to prescribe their fare and compensation;
- To regulate shop-keepers, etc. *Thirtieth*, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the penalty for using false weights and measures, not conforming to the standard as established by the laws of this State;
- Stands for carriages, etc. *Thirty-first*, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;
- To regulate weights and measures. *Thirty-second*, To assess, levy, and collect taxes for the purposes of the corporation, upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; to appropriate money, including all moneys received from licenses, to provide for the payment of the debt and expenses of the city, and make regulations concerning the same;
- To appoint watchmen, etc. *Thirty-third*, To determine and designate the route and grades of any railroads to be laid in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city: *Provided*, Such designation or determination shall not affect the right or claim of any person for damages sustained in consequence of the building of such railroad: *Provided further*, That no person or persons or corporation shall build any railroad track intended for the passage of locomotive engines, or run, or cause to be run, any locomotive engine on any track, any part of which track shall be nearer than twenty rods to any part of any lot or block occupied for the purposes of the union or ward schools of the said city of Ludington;
- To levy taxes. *Thirty-fourth*, To prohibit by ordinance any and every steamboat, propeller, or other craft propelled or operated either in whole or in part by steam, from landing or approaching within one hundred feet of any dock or wharf or bank of said city, unless provided with a good and sufficient spark-catcher, so as to prevent cinders or sparks passing into the open air, to the danger of firing any property in said city, and may enforce such ordinance by a fine not exceeding one hundred dollars, against the master or owner, or person having charge of the steamboat, propeller, or other craft
- To appropriate moneys.
- To designate route of railroads, etc.
- Proviso.
- Further proviso.
- To regulate the landing of steamboats, etc.

which shall, by the direction or command of the master, owner, or person having charge thereof, violate the provisions of such ordinance and be convicted thereof; and a fine being imposed therefor by any justice's court of said city, such fine and all the costs of the proceedings shall be a lien on such steamboat, propeller, or other craft, and may be enforced in the name of the city against such boat, vessel, or craft in the same manner that other liens are enforced against water crafts: *Provided*, That in any proceedings to enforce such lien, no bond or other security shall be required to be given by said city;

Thirty-fifth, To punish all offenders for violations of, or offenses against this act, or any by-law or ordinance of the common council, adopted or passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Mason county, or any jail, prison, or workhouse of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed five hundred dollars, and no imprisonment shall exceed six months;

To punish offenders, etc.

Limit of fines, etc.

Thirty-sixth, The said common council shall have power to make all such by-laws, ordinances, and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and property of its inhabitants. They shall also have power to purchase for the use of the city so much land without the limits of the city as may be required for the purpose of public cemeteries, the same to be located not exceeding four miles beyond the boundary of the city.

To make necessary ordinances, etc.

May purchase land for cemetery.

SEC. 10. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure said city and the inhabitants thereof against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire-buckets as they may direct; to establish, maintain, and regulate all such fire engines, hook and ladder, and hose and bucket companies as they may deem expedient; to construct reservoirs and provide such companies with necessary and proper buildings, engines, and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding eighty to one company, as are willing to accept, or as may be deemed proper to be employed as firemen; and every such company shall have power to appoint its own officers and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper; and every person belonging to such company shall annually obtain from the recorder a certificate which shall be *prima*

Regulations relative to fires.

Fire companies,

Exemptions of firemen.	<i>facie</i> evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be exempt from service on juries, from military duty in time of peace, and from payment of a poll tax.
Streets and improvement of same, etc.	SEC. 14. The common council shall have power to regulate the times and manner of working upon the streets, lanes, and alleys in said city; to provide for the grading, planking, or paving, and railing the sidewalks, and to prescribe the width thereof; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks, or public grounds in said city; to lay out, open, make, grade, and repair streets, lanes, alleys, and to fix and determine the grade thereof, and to alter or vacate the same, and to alter or vacate those already laid out: <i>Provided</i> , That before any street, lane, or alley shall be vacated or altered, the person or persons applying therefor shall give public notice specifying the time and place at which such application will be made, by causing the same to be published in a newspaper published in said city, for three successive weeks, and by personally serving upon each owner residing in said city, or occupant of any lot or part of a lot contiguous to such street or alley proposed to be altered or vacated, a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel, and no street or alley shall be vacated except upon sufficient cause shown, and with the concurrence of three-fourths of the aldermen elect. If, in laying out or altering any street, lane, alley, or highway, the common council shall require for such purpose the ground of any person, they shall give notice thereof to the owners or persons interested, or his or their agent or representative, by personal service or by written notice, posted in three of the most public places in said city, at least three weeks next preceding the meeting of said common council for the purposes aforesaid. And the common council are authorized to treat with such person or persons for such ground or premises, and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the mayor or recorder, or any justice of the peace of said city to command the marshal of said city to make a list of twenty-four disinterested freeholders, residents of said city, from which list each party may strike six names. Said mayor, recorder, or justice shall thereupon issue a <i>venire facias</i> commanding said marshal to summon said remaining twelve persons to appear before said mayor, recorder, or justice, at a time and place therein to be stated, to inquire into and determine the necessity for taking or using such ground, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said ground or premises; which jury, being first duly sworn by said justice faithfully and impartially to ascertain and determine the necessity for taking or using such ground and the just compensation to be paid therefor, and having viewed the premises, if necessary, shall, if the taking or use of such ground be found necessary, inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or
Provide—notice of application to vacate streets, etc.	
Proceedings prior to taking private property for streets, etc.	
Acquisition by purchase.	
When agreement cannot be made.	
List of jurors.	
Summoning of jury.	
Oath of jurors.	
Assessment of damages, etc.	

owners, or the parties interested in such grounds or premises, for their respective injuries, according to the several interests and estates therein; and said mayor, recorder, or justice shall, upon the return of such finding and assessment or verdict, enter judgment therefor, confirming the same, and the determination of such jury as to the necessity of taking such private property for public use shall be final and conclusive. The common council shall pay or cause to be paid the several sums so awarded to the party or parties entitled thereto, out of the special improvement fund, if there are sufficient moneys in the treasury belonging to that fund to pay the same. If there are not sufficient of said moneys in the said treasury to pay said award, the common council shall cause an order to be drawn on said fund, drawing interest at ten per cent, and payable at any time within one year from date, as a security to the person or persons to whom such compensation shall be awarded for the payment of the same, and shall deliver the same to such [person or] persons, or his or their agent or attorney. It shall thereupon be lawful for said common council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid may have the right to remove such proceedings as to the amount of damages to be awarded by appeal to the circuit court or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do, to said mayor, recorder, or justice, in writing, within ten days; or, in case of the absence of said party from said city, at the time of rendering said judgment, then within thirty days after the verdict of such jury and the judgment of such justice as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, and also upon making and filing with the recorder of said city a bond in the penal sum of five hundred dollars, with sufficient sureties, to be approved by the mayor or recorder, conditioned for the payment to said city of all costs that said city may sustain in case the final judgment for damages on such appeal shall not exceed the damages assessed before said justice at least ten dollars, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice at least ten dollars, then the party appealing shall pay all costs occasioned by such appeal: *Provided further*, Such appeal shall not delay the opening of any street laid out by the common council as provided in this section: *Provided further*, That the provisions of law in civil cases in relation to the striking off of names, the summoning of talesmen, and other provisions of law in relation to laying out, altering, and discontinuing roads and highways, and the appraisement of damages for the taking of private property for public uses, not inconsistent with the provisions of this act, are hereby declared to be in full force and effect so far as relates to the laying out, altering, and discontinuing roads, highways, streets, alleys, and other public improvements in said city.

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Property benefited to be taxed for grading of streets, etc.

SEC. 19. The common council shall have power to cause the expense of making, grading, and opening lanes and alleys, and of building and making sidewalks, and of grading and preparing the ground therefor, to be assessed against the owner or occupants of the lots or premises which are in front of or adjoining such improvements, and against any other lot or premises which, in the opinion of the council are benefited thereby, as they may deem just and proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold to pay such assessment.

Poll tax.

SEC. 20. The common council shall have power to assess and collect from every male inhabitant of said city, over the age of twenty-one and under fifty years (except paupers, idiots, lunatics, and all others by law exempt), an annual capitation or poll tax, not exceeding one dollar, and they may provide by their by-laws or ordinances for the collection of the same; and may punish violations thereof in the manner hereinbefore provided.

Council may provide for collection of other taxes.

SEC. 27. The common council may by ordinance provide for the collection of all taxes and assessments necessary to be raised other than such as may be raised as provided in section twenty-five, and for the sale of any real estate for the non-payment of such tax or assessment, and for the redemption thereof: *Provided*, That all proceedings relative to the notice of sale and the time of redemption shall be in conformity, as near as may be, to the provisions of law regulating the notice of sale and redemption of lands delinquent for township taxes, except as herein otherwise provided.

Proviso.

Issue of bonds.

SEC. 28. No bond or note, or other obligation or evidence of indebtedness of said corporation shall be given or issued by said corporation, except as provided in sections fourteen, forty-nine, eighty-one, and eighty-two of this act, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money; but the common council may endorse on all accounts which may be presented against said city the amount allowed by them thereon.

Powers and duties of recorder.

SEC. 33. The recorder shall be the clerk of the common council, and shall give bond for the faithful performance of his duties in such sum as the common council shall by ordinance direct; and shall keep a record of their proceedings in the proper books provided therefor, and shall open and keep the books of accounts, and such other books of receipt and expenditures, and in such form and manner as the common council may direct. He shall also perform for the city all such duties as township clerks are required by law to perform for the several townships, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State.

Deputy recorder.

The recorder may appoint a deputy, subject to the approval of the common council, who shall have authority to perform all the duties of the recorder, except those of a judicial nature; and he may remove such deputy at pleasure. The recorder shall keep a record of any ordinance en

acted, and of the time of its publication, which record shall be signed by the mayor and recorder. No ordinance subjecting any person to fine or imprisonment shall take effect until it shall have been published at least three times in a newspaper published in said city.

Record and publication of ordinances.

SEC. 50. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require. He shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may be passed to carry into effect the powers granted by section nine of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all persons, in discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, except his powers and duties as deputy treasurer, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all processes in behalf of the corporation of said city, as sheriffs and constables have by law to execute similar processes, and the marshal may perform all such duties with reference to serving and executing all civil or other processes issued from the recorder's court, police justice court, or by any justice of the peace of said city, and attending courts, that constables are by law authorized to perform.

Duties and powers of marshal.

May appoint deputies.

SEC. 59. In all trials before the recorder or police justice of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons, if demanded; and all the proceedings in and relative to the cause shall, except as herein otherwise provided, be in conformity, as near as may be, with the mode of proceeding in criminal cases cognizable by justices of the peace; and in all such cases the defendant shall have the right of appeal from the recorder and police justice's court to the circuit court, and shall abide the order of the court therein, on the same terms as are or may be required by law in appeal from justices' courts in criminal cases.

Of trials for offenses against city.

SEC. 2. this act shall take immediate effect.

Approved May 3, 1875.

[No. 394.]

AN ACT to amend sections one, three, sixteen, and thirty-four of an act entitled "An act to revise the charter of the village of Wenona," approved March twentieth, eighteen hundred and sixty-nine, as amended by act number two hundred and sixty-four of the session laws of eighteen hundred and seventy-one, approved April thirteenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That an*

- Act amended.** act entitled "An act to revise the charter of the village of Wenona," approved March twentieth, one thousand eight hundred and sixty-nine, as amended by act number two hundred and sixty-four of the session laws of this State for the year one thousand eight hundred and seventy-one, approved April thirteenth, one thousand eight hundred and seventy-one, be amended by adding eight new sections thereto, to stand as sections sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, and seventy-five, and by amending sections one, three, sixteen, and thirty-four, to read as follows :
- Sections added.**
- Boundaries.** SECTION 1. *The People of the State of Michigan enact, That* so much of the township of Bangor, in the county of Bay, and State of Michigan, as is embraced in the following lands, to wit: All of the south half of the southeast quarter of section seventeen; entire section twenty; all of section twenty-one lying west of the Saginaw river; the northeast quarter of the northwest quarter of section twenty-nine, all of which is in town fourteen north, of range five east, be and the same is hereby made and constituted a village corporate, by the name and title of the village of Wenona.
- Body corporate.** SEC. 3. The president, recorder, and trustees of said village shall be known and designated by the name of "The common council of the village of Wenona," and by such name shall be a body corporate, and by such name made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all courts in this State, and any other place whatever; and may have a common seal, and may alter [and change] the same at pleasure, and by said name shall be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate for the use and benefit of the village of Wenona.
- Compensation of officers.** SEC. 16. The president and trustees shall each receive two dollars per day for services rendered by them as inspectors of election, and for each and every meeting of the common council they may attend they shall be entitled to receive fifty cents; the treasurer shall receive a salary of twenty-five dollars per annum, and the following percentage on taxes collected by him, which percentage he is to add to the total of all taxes paid, to wit: Two per cent on all taxes paid him for the first forty days after the date of the warrant on the assessment roll, and four per cent on all taxes paid him after the expiration of said forty days, and he shall receive no further compensation whatever; the recorder shall receive an annual salary of not exceeding one hundred dollars per annum, and four per cent on all taxes collected by him after the roll has been returned to him by the treasurer, which percentage he shall add to the taxes in the same manner as the treasurer does; the assessor shall receive an annual salary not exceeding one hundred dollars; the village attorney shall receive an annual salary not exceeding two hundred dollars; the marshal shall receive an annual salary not exceeding two hundred dollars; the street commissioner, policemen, and all other officers appointed by the common council shall receive such compensation as the common council may direct.

It shall be regarded as a misdemeanor for any officer or person to take more compensation or fees than is provided for in this section.

SEC. 34. The assessor, recorder, and village attorney shall constitute a board of review, and at the time and place mentioned in said notice shall hear the complaints of any persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, they shall alter such assessment roll as shall appear to them to be just and proper.

Board of review
of assessments.

SEC. 68. The common council shall have power to lay out and establish, by resolution or ordinance, sewer districts in said village, running, as nearly as practicable, at right angles to Saginaw river, which districts shall extend not less than two blocks each side of the street on which such sewer may be located. All sewers in such districts shall be known as main sewers, and all others as lateral sewers. Not more than eight thousand dollars shall be expended

Sewer districts.

Limit of expenditure for sewers.

for sewers in any one year, including both main and lateral sewers, and the amount to be expended shall be provided for by a tax for the current year, and no indebtedness for sewers shall be authorized or created beyond the amount provided for as aforesaid. The expense of constructing any main sewer shall be borne as follows:

The construction across streets, and one-fourth of the balance of the expense shall be paid for out of the general fund of said village, and the balance of the expense shall be assessed upon the real

Expense of constructing, how borne.

estate in such sewer district according to the benefits to be derived therefrom. The expense of constructing any lateral sewer shall be assessed upon the real estate drained according to the benefits received. After the cost of constructing any main or lateral sewer shall have been ascertained, the benefit to be derived therefrom for

Benefit derived to be determined by a commission.

the purpose of equitably taxing the cost of construction shall be determined by a commission of three persons, to be appointed by the common council, not members thereof, who are resident owners of real estate in said village, but shall reside without the limits of, and shall not be owners of real estate within such sewer district.

Said commission shall determine the amount to be assessed on each parcel of land in such sewer district, and shall deliver such apportionment or assessment of taxes to the recorder after having given

Apportionment by commission, and delivery of same to recorder.

notice to persons interested therein to appear and examine such apportionment or assessment, by publication in some newspaper published in said village, if one be published there, and if not, in some paper published in Bay county, for three successive weeks previous to the day of meeting to examine such apportionment or assessment, and after said commissioners have made the apportionment or assessment of sewer taxes final, they shall deliver the same to the recorder, who shall lay the same before the common council at its next meeting, and said common council shall have full power to adopt ordinances determining the mode of constructing such sewer, assessing, levying, and collecting such sewer tax, and when such assessment has been confirmed by the common council, it shall be a lien on the land so assessed until paid, and the common council may provide that the real estate so assessed may be sold to pay such tax.

Paving of
streets.

Expense of, how
paid.

Proviso.

Assessment a
lien.

When property
exempt from
highway tax.

Proviso.

Planking of
streets.

Expense of, how
paid.

Power of coun-
cil relative to
construction of
railroads, etc.

To regulate the
speed of trains,
etc.

Manner of
issuing bonds
for water works,
etc.

SEC. 69. Whenever a majority of the freeholders of said village owning real estate on any street shall petition the common council to have said street paved, the common council shall have power, by resolution or ordinance, to cause said street to be paved, and shall provide that the street crossings shall be paid for out of the general fund of said village, and the balance of the expense shall be assessed on the property fronting on said street, according to frontage: *Providing*, That all property within one hundred feet of any street paved shall be assessed to pay for the construction of the pavement in proportion to the benefits received, and the assessment made for paving shall be a lien on the property assessed until paid. After any street has been ordered paved, the property fronting thereon shall be exempt from highway tax until said street requires paving again: *Providing*, It may be lawful to levy a special pavement tax on said property to defray the expense of repairing the pavement whenever needed.

SEC. 70. Whenever any street in said village, in the judgment of the common council, needs planking, or the plank thereon needs repairing, the common council shall order the same to be done by resolution or ordinance, and shall provide that the expense of planking across streets and one-half the balance of the expense shall be paid for out of the highway fund of said village, and that the remainder of the expense of planking or repairing shall be assessed on the property fronting on said street according to frontage, providing that all property within one hundred feet of any street planked or repaired shall be assessed to defray the expense of planking or repairing in proportion to the benefit derived therefrom. The common council shall have full power to carry out the provisions of this and the next preceding section.

SEC. 71. The common council shall have power to authorize the construction and operation of railroads and street railways in or across the streets and alleys in said village, upon condition that the owners of lots adjoining, and persons interested therein shall receive compensation therefor; but the common council may, as an additional condition of such use of streets or alleys, require the corporation or persons owning any such railroad or street railway to plank or pave the street or alley so used or crossed, between the rails and for a distance of two feet each side the rails at the crossings, and may cause any such corporation or persons to plank, pave, and construct sidewalks in front of, across, or through any lands owned by said corporation or persons. The common council shall also have power to regulate the speed at which cars may run, and to regulate and to prevent the blowing of whistles on any locomotive within the limits of said village. The method of arriving at the compensation to be paid to lot-owners and persons interested therein, shall be the same as provided by the general railroad laws of this State.

SEC. 72. Whenever the common council shall deem it necessary to issue the bonds of the village for the purpose of constructing water works, or laying water pipes, they may call an election of the property-holding tax-payers of said village, who are electors

thereof, by posting notices in at least five of the most conspicuous places in said village, at least ten days previous to the time of holding said election, and specifying the amount proposed to be raised by loan, which shall not exceed five per centum of the assessed valuation of the taxable property in said village, as shown by the last assessment roll thereof, and if a majority of the taxpayers voting at such election vote in favor of the loan, it shall be the duty of the president and recorder, under the direction of the common council, to issue said bonds, which shall be coupon bonds, and shall draw interest not to exceed eight per cent per annum, the bonds to be sold at not less than par, interest to be paid semi-annually. Such bonds and interest to be paid at such time and place as the common council may direct, the bonds to run not more than twenty years, and not more than five thousand dollars of the principal shall fall due in any one year.

SEC. 73. After the bonds have been issued, as provided for in the next preceding section, the common council shall annually levy a tax upon the taxable property in said village for the purpose of paying the interest on said bonds, which tax shall be placed in a separate column, and shall be designated "bond interest tax." The common council shall also, in anticipation of paying the bonds as they mature, levy a tax upon the taxable property in said village for that purpose, which shall be placed in a separate column, and shall be designated "bond tax." The taxes raised for paying interest on the bonds, and for paying the bonds as they mature, shall be assessed on the general roll of the village, and shall be in addition to all other taxes.

Levy of tax to pay interest on bonds.

Tax to pay principal on bonds.

To be assessed on general tax roll.

SEC. 74. Whenever the water-works bonds have been voted, the common council shall have full power, by ordinance or otherwise, to carry out the provisions of the next two preceding sections; to appoint a board of water commissioners, who shall not be members of the common council, but shall be freeholding electors in said village, to lease or purchase land within or without the village, for the purpose of constructing water-works, building thereon, to order the construction of water-works building, lay water pipe, fix water rates.

Power of council relative to bonds, and appointment of board of water commissioners.

SEC. 75. The common council, three of whom shall constitute a quorum, shall be the board of registration of said village, and they shall meet in the common council room in said village, on the Saturday next preceding any election in said village, and shall remain in session from nine o'clock in the forenoon until twelve o'clock noon, and from one o'clock until four o'clock in the afternoon, and said board of registration shall be governed by the laws regulating boards of registration in townships, and the names of all electors in said village shall be kept in a book to be provided by the recorder, and said book of registration shall be delivered to the inspectors of election before the polls are opened at every general and special election in said village.

Board of registration.

Laws governing board.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1875.

[No. 395.]

AN ACT to amend sections one, two, four, and six of title two, section one of title four, sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of title five, section seven of title six, sections one, two, three, four, five, six, seven, and eleven of title eight, sections one and two of title nine, and to add eight new sections, to stand as sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five of title five of "An act to incorporate the city of Ishpeming, in the county of Marquette," approved April ten, in the year of our Lord one thousand eight hundred and seventy-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, four, and six, of title two, section one of title four, sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven, of title five, be amended so as to read as follows:

Elective and
appointive
officers.

SEC. 1. The officers of said city shall be one mayor, one recorder, one treasurer, four justices of the peace, one constable in each ward of said city, two aldermen in each ward of said city, two school inspectors, two directors of the poor, one supervisor in each ward of said city, as hereinafter provided, who shall be elected at the annual city election by the qualified electors of the whole city, or wards thereof, respectively, by ballot, as hereinafter provided, also one assessor, one city attorney, one marshal, one deputy marshal, pound-master, inspector of firewood, weigh-master, and auctioneers, as the common council shall from time to time direct; all to be appointed as hereinafter provided.

When certain
officers shall be
appointed.

SEC. 2. The following officers shall be appointed by the common council on or before the first Monday in May of each year, viz.: one marshal, one director of the poor, who shall possess all the power of overseers of the poor of townships, under the laws of the State; also, one street commissioner for the entire city, or one for each ward, as the common council may determine, one pound-master, one city attorney, one or more fire wardens for the city; and the common council shall, at their second meeting in the month of April, in the year eighteen hundred and seventy-five, or as soon thereafter as may be, and every three years thereafter, appoint one assessor for said city, who shall annually assess all property in said city liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and who shall, for the purpose of making such assessment, have all the powers, and perform all the duties of supervisors of townships in this State, and perform such other duties as this act imposes. The supervisors elected in several wards, shall be members of the board of supervisors of Marquette

Appointment of
assessor.

Powers and
duties of.

Supervisors,
powers and
duties of.

county, and represent the interests of this corporation on said board, and perform all the duties of a supervisor of township not inconsistent with this act. The assessor shall have power to administer oaths and affirmations, whenever necessary to the proper discharge of the duties of the office, and any person who shall willfully swear falsely to any return, valuation, record, property, or material fact regarding his property, liable to be arrested under the laws of this State, shall be held and deemed guilty of the crime of perjury. The assessor shall receive such compensation for his services in making assessments and levying and extending taxes thereon, as the common council may determine, and shall be subject to removal for cause the same as other officers appointed by the common council.

Assessor :
administer
oaths.

Penalty for
false swear

Compensation
assessor.

SEC. 4. No person shall be eligible to either of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any such office of any ward, unless he shall then be an elector and resident of such ward; and when any officer elected or appointed for the city, or any ward of said city, shall cease to reside in said city, his office shall thereby become vacant.

Eligibility
office.

SEC. 6. At each annual election to be held in said city, after said first annual election, on the first Monday of April in each year, there shall be elected upon the general city ticket, by the electors of said city voting in their respective wards, one mayor, one recorder, one justice of the peace, one treasurer, and one school inspector. The mayor and treasurer so elected shall hold for one year after their election and until their successors are elected and qualified; the school inspectors and recorder shall hold for two years after their election, and until their successors are elected and qualified. There shall also be elected, at such annual election to be held in said city after the first annual election, by the electors of said city voting in their respective wards, one justice of the peace, who shall hold his office for four years from and after the fourth day of July following his election, and until his successor is elected and qualified; he shall file his oath of office with the county clerk of said county, on or before the fourth day of July following his election. There shall also be elected at each annual election, by the electors of each ward, the following ward officers, to be voted for, however, on the general city ticket, to wit: one alderman, one supervisor, and one constable. Said alderman shall hold for two years, and until his successor is elected and qualified; and said supervisor and constable shall each hold for one year after their election, and until their successors are elected and qualified. All justices elected in said city shall give the same security required by law of justices elected in townships, and file the same with the county clerk of Marquette county, within the time limited for filing their official oaths; such security may be approved, either by the mayor of said city, or by the county clerk of said county.

Officers to
be chosen at
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Security giv
by justices

TITLE IV.

SECTION 1. Every office shall become vacant on the happening of either of the following events before the expiration of the term

Vacancies
office.

Proviso—notice
to county clerk
of vacancy in
office of justice.

of office: The death of the incumbent, his resignation, his removal from office, his ceasing to be an inhabitant of the city, his conviction of any infamous crime, or of any offense involving the violation of his oath of office, the decision of a competent tribunal declaring void his election or appointment, or his refusal or neglect to take his oath of office, or to give or render any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That whenever any vacancy shall occur in the office of any justice of the peace in said city by the operation of this act, or the term of office of such justice shall expire, the recorder shall immediately transmit to the county clerk of said county a notice in writing, officially signed by him, informing the county clerk that the office of such justice of the peace is vacant or expired.

TITLE V.

Common council.
Time and place
of meeting.

SECTION 1. The mayor and alderman [aldermen] of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint, and on special occasion whenever the mayor or persons officiating as mayor (in case of vacancy in the office of the mayor, or of his absence from the city, or inability to officiate), shall, by written notice appoint, and which shall be served on the members in such a manner and for such a time as the common council may by ordinance direct; and the common council shall, at its first, or some subsequent session in each year, choose by a ballot a president *pro tempore* of the common council from among their own number, who shall, in the absence or inability of the mayor, perform all his duties and be called acting mayor of the city.

President pro
tem.

Who to preside
at meetings of
council.

SEC. 2. The mayor, when present, shall preside at the meetings of the common council, and in his absence the president *pro tem.* shall preside; but if both mayor and president *pro tem.* be absent then the common council shall appoint one of their number who shall preside.

When certain
ordinances to
take effect.

SEC. 3. No ordinance or resolution passed by the common council authorizing any public improvements, or for or concerning the same, or for the payment of money by the treasurer, shall have any force or effect, if on the day of its passage, or on the next day thereafter, the mayor, or other officer legally discharging the duties of mayor, shall lodge in the office of the recorder a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer legally exercising the office of mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the recorder his reasons, in writing, why the same should not go into effect, the same shall not go into effect nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, or other officer legally discharging the duties of the mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons in writing

Veto of ordi-
nances, and pas-
sage of same
over veto.

shall not be lodged with the recorder as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the recorder; and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage.

SEC. 4. It shall be the duty of the recorder to communicate to the common council, at the next meeting of the board, any papers that may be lodged with him pursuant to the last preceding section.

Notification of veto.

SEC. 5. In all proceedings and meetings of the common council, the mayor, or president *pro tem.*, in absence of the mayor, and each alderman present shall have one vote.

Who may vote in council.

SEC. 6. The sittings of the common council shall be public, except when the public interest shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the recorder, and the same shall be open at all times to public inspection.

Sittings of council to be public.

SEC. 7. The common council shall prescribe the rules for the transaction of its business and for its proceedings, which rules shall have the effect of law, as to the regularity and the recording of said proceedings, and may prescribe in said rules penalties for the non-performance of the duties of alderman, recorder, or other officer of said common council.

Council to prescribe its own rules.

SEC. 8. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present less than a quorum may adjourn said meeting to the next regular meeting, or to any time prior to the next regular meeting, and require the recorder to give notice thereof, as of special meetings, and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down, or noticed for such regular, special, or adjourned meeting, and no business or proceedings postponed to, or set down, or noticed for any regular, special, or adjourned meeting, shall lapse, or fail, or become invalid, or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over, to be acted upon at the next regular, adjourned, or special meeting. No public improvements shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, service, labor, or material purchased, nor any contract awarded or let, nor any money appropriated to be paid for, or out of, or by means of any special assessment or tax, or from the general fund, except by a concurring vote of four members of the common council: *Provided*, No member of the council shall be excluded from voting upon any question of improvements, levying assessments or taxes, or on any other proceedings, by reason of his personal or private interest in said improvement, assessment, taxes, or any property to be affected by it; nor shall such vote prejudice, void, or invalidate any action of the common council by reason or on account of any such interest, on all questions ordering any public improvements, levying or confirming any tax, approving any contract, appropriating or expending any moneys, and on the final passage of any ordinance, the

Quorum.

Meetings may be adjourned when quorum not present.

Vote required to order public improvements, etc.

proviso—members not excluded from voting by reason of personal interest.

Members of council not to hold other office or be interested in contracts.

Mayor may receive salary and hold other office.

Control of finances, etc.

Power to pass ordinances, etc.

To prevent vice, etc.

Gaming houses, etc.

Vending, etc., of liquors.

To license and regulate exhibitions, etc.

Abate and remove nuisances, etc.

Direct the location of slaughter-houses, etc.

names of the members voting for and against the same, by yeas and nays, shall be entered upon the records of proceedings.

SEC. 9. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold, any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, as principal, surety, or otherwise, the expense or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office.

SEC. 10. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city; shall make such rules and by-laws relating to the same as they shall deem proper and necessary: *And further*, They shall have the power within said city to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable within said city, for the following purposes:

First, To prevent vice and immorality; to preserve public peace and good order; to regulate the police of the city; to prevent and quell riots, disturbances, and disorderly assemblages;

Second, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating liquors to any infant, without the consent of his or her parent or guardian; and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

Fourth, To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions, for money;

Fifth, To abate or remove nuisance of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city;

Sixth, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible substances;

Seventh, Concerning the buying, carrying, selling, and using nitro-glycerine, gunpowder, firecrackers, or fireworks manufactured or prepared therefrom, or other combustible material, and exhibitions of fireworks, the discharge of firearms, and the lights in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards; Concerning combustibles, etc.

Eighth, To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, in any manner whatever; To prevent incumbering of streets, etc.

Ninth, To prevent and punish horse-racing and immoderate riding or driving in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street; Horse-racing, etc.

Tenth, To determine and designate the routes and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines, and cars upon the railroad within said city; To determine routes and grades of railroads.

Eleventh, To prohibit and regulate bathing in any public water, and to provide for and preserve the purity and salubrity of the waters of lakes Angeline and Bancroft, and the streams emptying therein; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient; To prohibit and regulate bathing. Fill up low grounds, etc.

Twelfth, To restrain and punish drunkards, vagrants, mendicants, and street-beggars; Punish drunkards, etc.

Thirteenth, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, or other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding; Establish pounds, etc.

Fourteenth, To regulate and prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog-fights in the streets; Running at large of dogs.

Fifteenth, To prohibit any person from bringing and depositing within the city limits of said city, any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof if any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his default, to authorize the removal or destruction thereof, by some officer of the city; To prevent the deposit of offensive substances.

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood, or obstructions; Clearing of sidewalks.

Seventeenth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the street; Ringling of bells, etc.

Eighteenth, To prescribe the powers and duties of watchmen and the fines and penalties for their delinquencies; Watchmen.

Nineteenth, To regulate the burial of the dead, and compel the keeping and return of bills of mortality; Burial of the dead.

Twentieth, To establish, regulate, and preserve public reservoirs, wells, and pumps, and to prevent the waste of water; To preserve public wells, etc.

Sextons, etc. *Twenty-first*, To adopt rules for the regulations of sextons and undertakers in burying; also for carmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney-sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;

To prevent stage drivers, etc., from soliciting passengers. *Twenty-second*, To prevent runners, stage-drivers and others from soliciting passengers or others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or other-where;

Lighting of streets. *Twenty-third*, Concerning the lighting of the streets and alleys, and the protection and safety of public lamps;

Hawking and peddling. *Twenty-fourth*, To regulate and restrain hawking and peddling in the streets, and to regulate pawnbrokers;

To prescribe duties, etc., of officers. *Twenty-fifth*, To prescribe the duties of all officers appointed by the common council and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Designate stands for carriages, etc. *Twenty-sixth*, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;

To prescribe duties of sealers of weights and measures. *Twenty-seventh*, To prescribe the duties of sealers of weights and measures, and the penalties for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided.

Council may establish boundaries of streets, prevent fires, levy taxes, etc. SEC. 11. The common council may ascertain, establish, and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred upon them by this act, in relation to highways, the prevention of fires, the levying of taxes, the supplying of the city with water, and all other subjects of municipal regulations, not herein expressly provided.

May prescribe penalty for violation of ordinances. SEC. 12. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty, not exceeding one hundred dollars (unless the imposition of a greater penalty be herein otherwise provided) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Marquette county, or in the city prison, for any term not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Ishpeming.

Taking effect of ordinances imposing fine or imprisonment. SEC. 13. No ordinance of the common council imposing a fine or imprisonment, shall take effect until the expiration of ten days after the passage of such ordinance, and it shall be the duty of the recorder, or clerk *pro tem.*, to publish such ordinance immediately after its passage, by posting up copies of the same, certified by him and countersigned by the mayor or president *pro tem.*, in three

public places in said city, or by publishing the same in any newspaper published in said city for two successive weeks after the passage of such ordinance.

SEC. 14. A record or entry made by the recorder of the said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication, and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto; either

First, From a copy certified by the recorder of the city, with a [the] seal of the city of Ishpeming affixed; or

Second, From the volume of ordinances printed by the authority of the common council.

SEC. 15. The common council shall have and exercise in and over said city the same powers in relation to the regulations of taverns, groceries, common victualers, saloon-keepers, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of cities and villages; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries, common victualers, and saloons, shall be made applicable to the city, unless otherwise limited. Any person who shall engage in or exercise the business or occupation of a saloon-keeper within the limits of said city, unless he is first licensed as such by the common council, and any person who shall assume to exercise such business or occupation without having first obtained such license, shall be deemed to have committed a misdemeanor, and upon each and every conviction therefor shall be fined a sum of not less than fifty dollars, or imprisoned in the city prison of said city, or in the common jail of Marquette county for a term not to exceed ninety days, or both said fine and imprisonment, in the discretion of the court. The common council shall regulate and license all taverns and houses of public entertainments; all saloons, restaurants, and eating-houses within said city in such sum or sums as the common council may direct or require, and said license to be not less than fifty dollars for any one year, and the amount of said license to be paid in the city treasury on granting of the same.

SEC. 16. The common council shall have power to cause common sewers, drains, and vaults, arches and bridges, wells and pumps and reservoirs to be built in any part of said city; to establish, open, widen, extend, straighten, alter, vacate, and abolish highways, streets, avenues, lanes, alleys, and public grounds or space within said city, and to grade, pave, repair, and otherwise improve the highways, streets, avenues, lanes, alleys, or interior public spaces created by the intersection of streets; also the crosswalks and sidewalks in said city with stone, wood, brick, or other material; and the common council shall have full power and authority to provide for paying the costs and expenses thereof by assessment in such manner as shall be prescribed by law, which

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assessment shall be a lien until paid on the lot, lots, or premises on which the same are assessed, and shall be collected in such manner as shall be authorized by law.

To require owners to construct and repair sidewalks.

SEC. 17. The common council shall also have full power to require, by resolution or ordinance, the owners or occupants of lands, at their own expense, to repair, construct, make, pave, plank, or gravel and curb and rail all sidewalks adjoining said land, after the same shall have been properly graded, within such reasonable time as they may direct, notice of which action shall be given to the owners or occupants of such lands in such manner as they shall direct; and if the same are not completed within the time so ordered, it shall be lawful for the common council to cause the same to be constructed forthwith, and to assess the expense thereof upon the premises in front of which the same are constructed.

Repair, etc., of cross and sidewalks.

SEC. 18. The common council may provide for the immediate repair of crosswalks and sidewalks, and for collecting the cost and expense thereof in such manner as they may deem proper, subject to the restriction herein contained, and they may determine the time and manner of assessing and collecting all highway taxes, and all other taxes, except as herein otherwise provided, and they may enact such general by-laws or ordinances in relation to the assessing and collecting of all such taxes, not inconsistent with the constitution of this State or of the United States, as they may deem just and proper; and all by-laws or ordinances, rules or regulations adopted by the common council, by or in pursuance of any of the powers conferred upon them in this act, shall be binding upon all courts and in all places whatsoever.

Relative to streets used six years or more and not described or recorded.

SEC. 19. It shall be the duty of the common council to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the recorder of said city, in the book of the street records; and the recording of such highways, streets, lanes, or public grounds so ascertained and described, or which shall hereafter be laid out and established by the said common council and recorded in the books of the street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public grounds therein described.

Annual settlement of accounts, etc.

SEC. 20. On the last Tuesday in the month of February, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for watching and lighting the city; the amount of highway taxes and assessments; the amount of

Statement of receipts and expenditures.

Of amount of taxes raised for general purposes

assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

SEC. 21. The said statement shall be signed by the mayor and recorder, and filed with the papers of the city, and the same may be published at the expense of the city, in some newspaper printed or published in said city, to be designated by the common council, previous to the second Monday of March next thereafter.

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SEC. 22. The style of all ordinances shall be "It is hereby ordained by the common council of the city of Ishpeming," and full minutes of the proceeding, together with all ordinances, by-laws, and regulations adopted, may be published in any newspaper printed in said city.

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SEC. 23. To enable the common council to build or repair bridges, and fully and effectually carry out and perform any and all powers conferred upon them by this act, they may borrow money at a rate of interest not exceeding ten per cent per annum, and issue the bonds of the city therefor, signed by the mayor and recorder; but no money shall be borrowed for a longer period than ten years, nor shall the sum of any and all indebtedness for money thus borrowed by the common council ever exceed the sum of six thousand dollars; and if the common council shall deem it necessary to borrow more money than is above provided for, the question of making such loan shall be submitted to the qualified electors of said city who are liable to pay a city tax therein, at some annual or special election called for that purpose, in the same manner as other special elections are called under this act; but before any loan of money shall be authorized by a vote of such electors of said city, written or printed notices shall be posted by the recorder in at least two public places in each ward, specifying the object or objects for which money is proposed to be borrowed. The common council may provide by ordinance the manner of voting upon any question of borrowing money; but the votes shall be canvassed, and the result certified and determined in the same manner as the result of other votes are canvassed by the provisions of this act; but the total indebtedness of said city for all purposes except fire department and water-works purposes, shall never exceed ten thousand dollars at any one time.

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SEC. 24. Whenever any money shall be borrowed by the common council by the authority from the electors of said city, the bonds shall be signed by the mayor and recorder; and all deeds of land sold by the common council shall be executed by the mayor and recorder, and, when duly acknowledged by them, may be recorded as other conveyances, and with like effect.

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SEC. 25. The common council may prevent and punish the riding or driving of any beast or team upon any sidewalk, or the doing of any act injurious or dangerous to any of the property of said city, or of the property of any of the inhabitants thereof; or which shall be dangerous to the life or health of any of the inhab-

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itants of said city, and whenever by this act the common council are given any power they may adopt by-laws or ordinances, rules or regulations relative thereto.

Proceedings
prior to taking
private property
for streets, etc.

Resolution
describing im-
provement, etc.

Council may
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When agree-
ment cannot be
made.

Ordinance
setting forth
improvement,
etc., and making
application for a
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Publication of
same.

Service of copy
by mail upon
owners.

Service at resi-
dence or place of
business.

Service upon
corporations.

SEC. 26. In laying out, altering, straightening, or widening any highway, street, lane, or alley in said city, if it thereby becomes proper, necessary, or advantageous to acquire the lands of any person for that purpose, the common council shall proceed to acquire such lands in behalf of the city, as follows: The common council shall at any of its meetings adopt a resolution describing the improvements to be made, and the lands deemed necessary to be taken, with the names of the owners if known, and if such owners or any of them are residents of Marquette county, and can be found, the common council may treat with such residents, and also with any non-resident owners, if they can be found conveniently, for the purchase of the right to use such lands for the purpose contemplated; if the owner and common council cannot agree on terms of purchase, or if such owner or any of them cannot be found conveniently, or if the common council is unable, from any cause whatever, to negotiate with such owners, or any of them, for the purchase of the right to use such lands, then the common council may, at any time within six months after the expiration of two weeks from the adoption of said resolution, proceed as follows: The common council shall pass an ordinance setting forth the improvement contemplated to be made, and a description of the lands necessary to be taken, with the names of the owners of said lands, if known to the common council, and that the common council will apply to a justice of the peace of said city (naming him), at his office in said city, on a certain day (naming the day and hour), not less than forty days, nor more than sixty days from the date of the adoption of said ordinance, for the purpose of summoning a jury of twelve disinterested freeholders, [residents] of Marquette county residing outside of said city, to ascertain the necessity for using such lands, and to assess the damage therefor, if it is found necessary to take such lands. Such ordinance shall be published for three successive weeks immediately after its adoption, in some newspaper published in said county, once in each week, which shall make four insertions, and a copy of said ordinance shall be mailed by the recorder or city attorney to each of the owners of said lands, if the residence of such owners can be ascertained by reasonable inquiry in said city, and such service by mail shall be made immediately after ascertaining the residence of the party, and may be made at any time before the day for applying for such jury aforesaid; but if the residence of such owners is not ascertained as aforesaid, then publication as aforesaid shall be sufficient. A copy of said ordinance shall be left at the residence or place of business of any owner who may be a resident of said county, such copy to be left with the owner, if found, or with any person of proper age, at the residence or place of business of such owner, and shall be served at least ten days before the day for applying for such jury, and if any of such owners are corporations, doing business in said county, then such copy may be served on the superintendent of such cor-

poration, at least ten days before the day for applying for such jury; and in case such superintendent cannot be found, then such copy may be served by leaving the same at the office of such corporation in said county, with any person who may have charge of the said office for the time being. At the time and place appointed for applying for such jury the common council shall appear by its city attorney, or other authorized agent or attorney, and such attorney shall file with said justice of the peace a copy of the ordinance as published, together with the affidavit of the printer, foreman, publisher, or other person having knowledge of the facts of the publication of said ordinance for the time required as aforesaid, and on the filing of such copy of ordinance with the affidavit of publication, such justice shall have full jurisdiction over the subject matter, and the persons of the owners of said lands, and in the subsequent proceedings no notice shall be necessary to be served by or on either the common council or said owners, or any of them.

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Jurisdic-
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SEC. 27. In case such justice is absent, or has resigned, or is unable from any cause whatever to issue a *venire* for such jury, then said attorney of the city may, on the day appointed for such application, apply to any other justice of the peace of said city to summons such jury; but in such case the marshal or his deputy, or some constable or deputy sheriff shall be stationed at the office or usual place of business of such justice who is so absent or unable to attend, and such marshal, deputy, constable, or deputy sheriffs shall notify all persons inquiring for such justice that he is unable to attend, and shall state the name of the justice to whom the application is to be made. Such marshal, deputy marshal, constable, or deputy sheriff shall remain at such justice's office or place of business, or as near thereto as practicable, for three hours, and shall file an affidavit of his doings with the justice to whom the application is made; and on filing of such affidavit, together with the copy of ordinance and affidavit annexed, such last justice shall have the same jurisdiction to proceed as the justice to whom the application was first to be made as specified in the ordinance.

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SEC. 2. That there be added to title five of said act eight new sections, to stand as sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five, and to read as follows:

Sections

SEC. 28. The owners and any and all persons interested in said lands may appear personally or by their agent or attorney before the justice of the peace before whom said application is to be made, and, in case said application is transferred to another justice as provided in last section, then such justice shall not proceed to summons such jury until three hours have elapsed from the time originally fixed in the ordinance for making the application.

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Time al-
fore sum-
jury
cation is
ferred.

SEC. 29. Said justice of the peace shall, after obtaining jurisdiction of the application, direct the marshal of said city or any constable, or the sheriff or any deputy sheriff of said county to make a list in writing of twenty-four inhabitants of the county of Marquette, residing without the limits of said city, and who shall have the qualifications of jurors in the courts of record of this State.

Making
jury list

Oath of officer making list.	Such marshal, constable, sheriff, or deputy shall, before he proceeds to make such list, be sworn by said justice to select such persons according to his best judgment, and without favor or partiality to either party; from such list the city may, by its representative, strike off six names, and the owner may strike off six names, to be stricken alternately, the same as in justices' courts, the city to strike the first name. In case either the city or the owners neglect or refuse to strike such names, then the justice shall strike for such party so neglecting or refusing, so that only twelve names shall be left on said list. In striking the names a majority of the owners, or persons interested in the lands, shall determine which names shall be struck off by such owners. In case objection is made to any person appearing on behalf of said owners to strike off such names, then such person shall immediately make and file his affidavit showing that he has such right to appear, else the justice shall exclude him from any participation in striking off such names. Such justice shall then issue his <i>venire</i> in the usual form, inserting therein the twelve names so remaining on said list, and require such jury to meet at the time and place appointed therefor by such justice, which shall be stated in said <i>venire</i> , and shall not be less than three nor more than six days from the issuing of the same, which said <i>venire</i> may be served by the marshal, or deputy marshal, or any constable of said city, or by the sheriff, or any deputy sheriff of said county as in other cases.
Each party entitled to strike off six names.	
Summoning of jury.	And, if at the time and place appointed by said justice for said jury to meet, or for one hour thereafter, any of the persons named as jurors do not attend, or if any named in the <i>venire</i> or chosen as talesmen shall be rejected for cause (which right of challenge is hereby granted to both parties or to any or either of said owners in attendance), it shall be competent for said justice to order the said marshal or other officer to summon immediately as many competent persons as may be necessary with the persons in attendance as jurors to furnish a panel of twelve jurors, or on proof of service of said <i>venire</i> said justice may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such <i>venire</i> or attachment as courts of record or justices' courts are authorized to do in civil cases. Said <i>venire</i> shall be served at least one day on each of the persons named in it as jurors before the return day thereof, and may be served by reading the same, and by giving a copy if required.
Completion of panel of jury.	
Enforcement of attendance.	
Service of <i>venire</i> .	
Oath of jurors.	SEC. 30. Such jury shall then be duly sworn by said justice faithfully and impartially to inquire, ascertain, and determine the necessity for taking such lands for the purpose required by said city, and the just compensation to be made therefor, if so determined necessary to be taken; and the persons thus sworn shall constitute the jury in such case. Subpœnas for witnesses may be issued and their attendance compelled by such justice in the same manner as may be done in justices' courts in civil actions, and for the purposes of acquiring jurisdiction and power to proceed, said justice shall have all the power of a justice's court in civil actions, and may punish for contempt in the same manner and to the same
Power of justice to compel attendance of witnesses, etc.	

extent that justices' courts may in civil actions or proceedings. The jury may visit and examine the land and premises, and from such examination, and such other evidence as may be presented before them, shall ascertain and determine the necessity for using such lands and premises in the manner and for the purpose proposed by the said city, and the just compensation to be made therefor; and in determining such just compensation the jury shall take into consideration the benefits, if any, which are to accrue to the owners or persons interested in said lands by reason of such improvements, and shall deduct such benefits from the amount of damages assessed, and the remainder, if any, shall be the amount to which such owners shall be entitled. Any person who has formed or expressed an opinion as to the necessity of taking said lands, or any portion thereof, for the purpose required by said city, shall be disqualified from sitting on said jury, which may be taken advantage of in the circuit court by any of said owners who may appeal, if such fact is specifically set forth in such appeal.

Jury may visit premises, etc.

Determination and award by.

Jury to consider benefits.

Persons having formed or expressed an opinion disqualified as jurors.

SEC. 31. If such jury find that it is necessary that such lands shall be used in the manner or for the purpose proposed by said city, they shall sign a certificate, in writing, stating that it is necessary that such lands (describing them) should be used for the purpose proposed by said city, in its said ordinance (reciting such purposes), also stating the sum to be paid by the city as the just compensation for the same. And said jury shall file said certificate with said justice, who shall then pay to said jury their lawful fees, which fees shall always be deposited in advance of the summoning of said jury, by said city. Each jurymen shall be entitled to one dollar as his fees for attendance and service on such jury. Said justice shall record at length in his docket, the ordinance and affidavit of publication, with the affidavit of the marshal, constable, or other officer, if the application is transferred to him from the justice named in said ordinance, as provided in section twenty-seven of this act. He shall also record the names of the persons who appear for the city, and for the owners of any of them, the time and manner of striking and summoning the jury, the time the jury were empaneled and sworn, the names of the witnesses, and the certificate of the jury with their names subscribed, and the time and place said certificate was filed with him, and he shall then sign said proceedings, and a transcript of said proceedings as recorded by said justice on his docket, certified in the usual manner for certifying transcripts of justices' judgments in civil cases, shall have the same effect as evidence in all courts and places as a transcript of a judgment rendered by a justice of the peace in civil action may now and hereafter have, and after the time limited for appealing, as hereinafter provided, and no appeal is taken, such justice shall furnish to the recorder on demand, and tender of his legal fees, a certified transcript of said proceedings as recorded in said docket, and the same shall be entitled to record in the registry of deeds of said county, the same as deeds are now entitled to record that are properly executed and acknowledged, and with like effect as evidence, and such transcript shall also be recorded in the records of said city.

Certificate of jury as to necessity of using such lands, etc.

Certificate to be filed with justice.

Fees of jury.

Record to be made by justice when application is transferred to him.

Transcript of proceedings evidence in court, etc.

Tender of damages awarded before taking possession of lands.

SEC. 32. Before said city shall be entitled to take possession of said lands, it shall cause the amount of damages awarded to each owner to be tendered to such owner, if he can be found in said county, and if such owner is a non-resident of said county, or cannot be found for the space of ten days after such award made by the jury, then such amount shall be deposited with the city treasurer, payable to such owner, or his order, and thereupon said city shall be entitled to take possession of such lands for the purpose proposed by said city.

Appeal to circuit court.

SEC. 33. Any party feeling aggrieved by the award of damages of said jury, may appeal therefrom to the circuit court for the county of Marquette, at any time within forty days after such awards made by said jury, and in order to make such appeal it shall only be necessary for any of said owners or parties interested in said lands to make and file with said justice an affidavit setting forth his interest in said lands, and that he feels aggrieved at the amount of damages awarded by the jury, and appeals therefrom to the circuit court for the county of Marquette. Such affidavit may be made by the superintendent, attorney, or agent for any corporation, and by the attorney or agent of any individual owner, or person interested in said lands, and such agency must be sworn to specifically in such affidavit. The city, however, may go on and take possession of said lands, notwithstanding such appeal, provided said city has paid, tendered, or deposited the amount of damages awarded by the jury, as provided in section thirty-two of this act. Said owners, or any of them, may also take a common-law *certiorari* to the circuit court for the county of Marquette, or to the supreme court, upon any question touching the jurisdiction or regularity of the proceedings, but no *certiorari*, either statutory or common-law, shall be taken or issued after the expiration of three months from the time of such award of the jury, nor unless notice in writing is given to said justice of the peace, within forty days after such award to the jury that such *certiorari* will be taken, such notice to be signed by such owners, or any of them, or by their attorney or agent.

Affidavit of parties aggrieved to be filed with justice.

By whom affidavit to be made.

City may take possession notwithstanding appeal.

Owners may move case to circuit or supreme court by *certiorari*.

Limit of time, etc.

Return of transcript of proceedings to circuit court.

SEC. 34. Upon the filing with said justice of the peace of the affidavit for appeal, said justice shall return to the circuit court a transcript of the proceedings, certified by him from his docket in the usual manner, within ten days after such appeal is made, and thereupon the circuit court shall, at its next term, order a jury to be drawn, from the number of jurors summoned to attend at said term, who shall be empaneled and sworn to try said appeal as to the amount of damages to be awarded to the person appealing, and said appeal shall be tried as in ordinary cases of appeal from justices' courts, and judgment shall be rendered in said circuit court upon their verdict. And the circuit court shall award costs to either, in its discretion; but if the person appealing recovers more damages in the circuit court than from the jury before said justices of the peace, then such persons [person] shall be entitled [to] full costs against said city, and the circuit court shall have full power to enforce the collection of such judgment against said city as in other cases of judgments against municipal corporations.

Trial on appeal

Judgment.

Costs.

Collection of judgment against city.

SEC. 35. The common council shall have power to assess, levy, and collect taxes for the purposes of the corporation, upon all property made taxable by law, which taxes shall be liens upon property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same; to employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house, or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances, or regulations, as they may deem necessary for the good government of said city.

Power of council to assess, levy, and collect taxes.

Appropriate money, etc.

Relative to persons confined for non-payment of fines, etc.

To pass necessary by-laws, etc., for good government of city.

SEC. 3. That section seven of title six, sections one, two, three, four, five, six, seven, and eleven of title eight, and sections one and two of title nine, be amended so as to read as follows:

Sections amended.

TITLE VI.

SECTION 7. The supervisor of each ward shall have and exercise, within his respective ward, all the powers, authority and function of supervisors of towns, as now provided, or may be hereafter provided by law, except as assessors [assessor], and except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Marquette, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform, as supervisors, such other duties as by this act shall be required [of them]: *Provided*, That in case any such supervisor shall be temporarily absent from the city, or from sickness or other cause shall be unable to act as such supervisor on said board of supervisors, the alderman of his ward having the shortest time to serve shall, during the time of such absence, sickness, or other disability, act as supervisor of his ward, and for the time being, possess all the powers, and discharge the same duties as the supervisor of the ward; and in case neither can attend, the common council shall appoint some suitable person or persons to act as supervisors until such disability ceases.

Powers and authority of supervisors.

Proviso.

TITLE VIII.

SECTION 1. The assessor in said city shall in each and every year make and complete the assessment of all the real and personal property within the city, in the same manner and within the time, as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall, in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes.

Assessments.

Review of
assessment roll.

SEC. 2. On the third Monday of May, and for so many days next thereafter as may be necessary in each and every year (not exceeding three days in all), it shall be the duty of the common council to meet at nine o'clock in the forenoon of said day or days, at the common council room, and said common council, or any three of them, when assembled together as aforesaid, shall constitute a board of review, for the purpose of reviewing the assessment roll of each ward, and of correcting any and all errors which said board or a majority of them may discover in said rolls or any of them, and of exercising all the powers which the supervisors of the township are authorized to exercise at the time appointed by law for the review of their assessments; and any member of said board is hereby authorized to examine on oath any person who shall make any application to said board, and also to administer any oath to any such person or to any person who may be required to file any affidavit with them or either of them.

Board to attach
certificate to
roll.

SEC. 3. When the said board has reviewed and completed the assessment roll for said city, it shall be their duty, or the duty of a majority of the members of said board, to attach to said roll, signed by them, a certificate which may be in the following form:

Form of certifi-
cate.

"We do hereby certify that the above assessment roll contains a description of all real estate in the city of Ishpeming liable to be taxed, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof, and not at the price it would sell for at a forced auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named on said roll, and that we have estimated the same at its true cash value, according to our best information and belief."

Who may make
certificate.

SEC. 4. Any of the members of said board may make such certificate, from such knowledge as they may possess, or can acquire while sitting on said board.

Roll to be pre-
sented to board
of supervisors.

SEC. 5. When the assessment roll for said city is thus completed, it shall be retained by the assessor, or [and] by him presented at the annual meeting of the board of supervisors of the county of Marquette, and at such other times as the township assessment rolls are required to be produced at any meeting of said board of supervisors for equalization or for any other purpose prescribed by law; and said assessor shall be entitled to the same notice of such meetings of the board of supervisors that township supervisors are or may be entitled to, in like manner and with like effect as is or may be provided by law for the equalization of township assessment rolls; and when so equalized it shall be returned to said assessor in the same manner that township assessment rolls are returned to supervisors, and it shall be the duty of said assessor in extending all taxes that may be ordered, assessed, and extended on said roll, and in relation to all other matters in assessing and extending such tax roll, not inconsistent with the provisions of this act, shall be the same as those of supervisors of townships. Said assessor shall have the right to debate on said board of supervisors in regard to any tax roll or assessment roll, but shall have no vote on said board of supervisors.

When equalized
to be returned
to assessor.
Duty of assess-
or after roll is
returned.

SEC. 6. The assessor in said city shall complete the tax roll of said city in the manner required in the case of township tax rolls, and deliver the same with his warrant thereto attached to the city treasurer, within the time prescribed by law for the completion and delivery of the township tax roll to the respective township treasurers of this State, and the warrant of the assessor annexed to the tax roll of said city, as aforesaid, shall have the same force and effect as the warrants of the supervisors of the several townships, required by law to be annexed to the tax rolls of the several townships of this State: *Provided*, Security has been given by such city treasurer, as required by law, or in this act provided; but if such security shall not have been given by such city treasurer in the manner and in the time required, the common council shall immediately appoint some suitable person who shall give the required security to collect such tax roll, who shall be styled a collector, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make returns of his doings thereon in the same manner, and shall have all the power, and shall perform all the duties and be subject to the same liabilities in this act conferred upon the city treasurer of said city for the purpose of the collecting and returning and paying over the same taxes.

Completion and delivery of roll to treasurer.

Proviso—security of treasurer.

If not given council to appoint a collector.

SEC. 7. For the collection of all such taxes the city treasurer, or any other person appointed to collect the same, shall be entitled to receive such percentage as is or may at the time be allowed by law to township treasurers for the collection of taxes. The said treasurer shall collect the tax roll put into his hands by the assessor within the same time and in the same manner that the several township treasurers of this State are required to collect their tax rolls, and he shall make his return to the county treasurer within the same time and in the same manner as township treasurers, and he shall possess all the powers and perform all the duties of township treasurers of this State as prescribed by law, which are not inconsistent with this act.

Fees for collection.

Collection and return of taxes.

SEC. 11. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the recorder, on or before the first Monday of October in each year, to furnish to said assessor a statement, certified by said recorder, of the taxes voted to be raised in said city, who shall lay the same before the board of supervisors of Marquette county at its annual meeting each year; and it is hereby made the duty of said assessor to levy the same, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Council shall annually determine the amount of tax to be raised for city purposes.

Assessor to levy same.

TITLE IX.

Salaries and fees
of officers.

SECTION 1. The officers of said corporation shall be entitled to receive, out of the city treasury, the following sums, in full payment for their services: the mayor shall not be entitled to receive any compensation; the recorder, assessor, and attorney, shall be entitled to receive, respectively, such sums as the common council may allow, not exceeding one thousand dollars per annum each; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed for similar services; and he shall also receive such farther compensation, not exceeding seven hundred dollars per annum (except as hereinafter provided), as the common council shall allow; the treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the street commissioner shall be entitled to receive three dollars per day for his services, and at the same rate for parts of days actually employed; the directors of the poor and school inspectors shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices; the aldermen shall not be allowed to receive more than one dollar each in any year as compensation for their services as such.

Compensation
of supervisors.

SEC. 2. The said supervisor [supervisors] of said city shall receive as compensation for their services, three dollars per day while actually employed in their duty, which compensation shall be audited and paid by the common council of said city, by the vote and resolution of said common council.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1875.

[No. 396.]

AN ACT to revise an act entitled "An act to re-incorporate the village of Schoolcraft," approved March twelve, eighteen hundred and sixty-nine.

Act revised.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to re-incorporate the village of Schoolcraft," approved March twelve, eighteen hundred and sixty-nine, be and the same is hereby revised so as to read as follows:

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the township of Schoolcraft, in the county of Kalamazoo, and State of Michigan, designated as follows, to-wit: The east three-quarters of the south half of section eighteen, and the east three-quarters of the north half of section nineteen, in township four (4) south, of range eleven (11) west, be and the same is hereby constituted a village corporate under the name of the village of Schoolcraft.

SEC. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a body corporate and politic, and shall hereafter be known in law by the corporate name of the village of Schoolcraft, and by that name they and their successors shall have perpetual succession, capable of suing and being sued, complaining and defending in all courts of competent jurisdiction, and may have and use a common seal, and alter and change the same at pleasure, and shall also have power to purchase, hold, and convey real and personal estate as the purposes of the corporation may require, but said village shall not be sued except in a court of record.

Corporate name, etc.

SEC. 3. There shall be an annual election for village officers in said village, on the first Tuesday of March in each year, as heretofore. The present officers of said village shall hold their offices until the terms for which they were elected shall expire, and until their successors are elected and qualified, unless sooner removed by competent authority. There shall be elected at each annual election a president of the village, a marshal, clerk, treasurer, assessor, street commissioner, and three trustees. The president, marshal, clerk, treasurer, assessor, and street commissioner shall hold their offices for one year after their election, and until their successors are elected and qualified. The trustees shall hold their offices for two years after their election, and until their successors are elected and qualified. If any annual election is not held on the day when pursuant to this act it should be held, the said corporation shall not, for that cause, be dissolved, but it shall be lawful to hold an election for the officers to be elected at such annual election at any time thereafter, by the common council giving ten days' notice of the time and place of holding such election.

Annual elections

Terms of present officers.

Officers elected at each annual election and their terms of office.

In case election is not held at proper time.

SEC. 4. The officers of said village shall be a president, six trustees, clerk, treasurer, assessor, marshal, and street commissioner, who shall be elected by the qualified voters of said village. The common council may also, on the second Monday of April in each year, or at any time thereafter, appoint a village attorney, pound-master, one or more fire wardens, and such other officers as may be necessary to enforce the ordinances of said village. Such officers so appointed by the common council shall hold their offices until the second Monday of April following their election, and until their successors are chosen and qualified. The common council may remove at pleasure any officer appointed by it under the provisions of this section.

Officers who are elected.

Officers appointed.

Terms of officers appointed.

Removals.

SEC. 5. Whenever any vacancy happens in any elective office under this act, it may be filled by appointment by the common council, and the person chosen to fill such vacancy shall hold until the next annual election, under this act.

Filling of vacancies.

SEC. 6. There shall be a board of registration in said village, to consist of the president and three trustees whose terms of office will first expire. Any three of said board shall be a quorum, and all questions arising before such board may be determined by a majority of the members present. The clerk of said village shall be clerk of the board of registration. It shall be his duty to pro-

Board of registration.

Quorum.

Clerk.

Registration
book.

Meeting of
board.

Powers.

Examination on
oath of appli-
cants.

Special elections

Board of inspect-
ors.

President and
clerk.

Filling of va-
cancies in board.

Oath.

Notice of
election.

cure a suitable bound book, at the expense of said village, to be used as a register of electors, and said board of registration shall have power, and it shall be their duty, to copy on said register the names of all persons now on the village register of electors of said village. The register of electors, herein provided for, shall be similar in form as near as may be to township registers of electors, substituting village for township where necessary. Said board of registration shall meet on the Saturday preceding any annual or special election to be held in said village under this act, and shall have, exercise, and possess all the powers of a board of registration in townships for the purpose of registering the names of all applicants for registration, having the necessary qualifications, and for revising such register of electors, and all the laws of this State now or hereafter passed touching the registration of electors, the penalties on applicants or members of the board of registration, and other persons, for violations of the registration laws, shall apply to said village. Any member of said board shall have power to examine on oath any applicant for registration touching his qualifications as an elector, and any such applicant who shall knowingly and willfully swear falsely to any material fact, shall be deemed guilty of perjury, and shall, upon conviction, be punished accordingly. Said board of registration shall have power from time to time, as may be necessary, to procure new books for registers of electors, in the manner hereinbefore provided.

SEC. 7. Special elections may be appointed by resolution of the common council, and held at such times as it shall determine, the purpose and object of which shall be fully set forth in the resolution appointing such election. The president and any two of the trustees, to be appointed by the common council, shall be the board of inspectors of election. The president, when present, shall be chairman, and the clerk of said village shall be clerk of said board. The electors present at the opening of the polls of any election shall have power to fill any vacancy or vacancies in the board of inspectors of election by reason of the absence of any or all of the members of said board, and if any vacancy occurs in said board at any time during the progress of any election, it may be filled by the electors present. The inspectors so chosen to fill any such vacancy or vacancies shall hold until the close of such election and announcement of the result. All members of the board of inspectors of election shall take the constitutional oath, which may be administered by each other.

SEC. 8. Notice of the time and place of holding any election or session of the board of registration, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the clerk at least eight days before such election or session of such board of registration by posting such notices in three public places in the village, and by publishing a copy thereof in a newspaper in the village, if any is published therein, the same length of time before the election or session of such board of registration; and in case of a special election, the notice shall set forth the purpose and object of the election as fully

as the same are required to be set forth in the resolution appointing such election; but no annual election shall be held invalid as to the election of village officers by reason of the want of giving such notice. The common council shall provide and cause to be kept by the clerk, for use at all elections, suitable ballot-boxes of the kind required by law to be kept and used in townships. On the day of elections, in accordance with law, the polls shall be opened at nine o'clock in the morning, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

Ballot boxes.

Opening and closing of polls.

SEC. 9. The board of inspectors of election shall have power to preserve order at the polls during the election and counting of the votes. The marshal of said village and all bystanders shall aid said board in preserving order, and shall arrest any disorderly person at the polls when directed by said board, and take such person before any justice of the peace, to be dealt with as a disorderly person under the general laws of the State. Immediately after closing the polls, the board of inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing setting forth, in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists and the register of electors and the boxes containing said ballots, in the office of the village clerk.

Preserving order at the polls.

Canvass of votes.

Statement of votes given, etc.

Deposit of statement, ballot-boxes, etc., with clerk.

SEC. 10. The announcement of the result by said board of inspectors of election shall be sufficient notice to any person declared elected by said board whose name appears on the poll list as having voted at said election. It shall be the duty of said board to announce the names of the persons elected before any adjournment is had. In case any person is declared elected whose name is not on the poll list, the clerk shall notify him in writing, by mail prepaid or personally, of his election, within two days after the announcement by the board. The clerk of the village shall be clerk of the board of inspectors of election, and shall keep the poll list and perform such other duties as shall be required by said board during the election and counting of the votes.

Notice to person elected.

Notice to person elected whose name is not on poll list.

Clerk of board of inspectors.

SEC. 11. Any person having a plurality of votes for any office, at any election held under this act, shall be declared elected. If any two or more persons have an equal and the highest number of votes for the same office, the inspectors shall then and there determine by lot who is elected. Before the inspectors proceed to count the votes, they shall ascertain whether the ballots agree with the

Who to be deemed elected.

When choice to be determined by lot.

Excess of ballots,
how disposed of.

poll list, and if there are an excess of ballots, such excess shall be drawn from the ballot-box and destroyed, and the poll list being made to agree with the ballots, the counting of the votes shall then proceed.

Challenge.

SEC. 12. Any elector shall have the right to challenge any person offering to vote at any election held under this act. Any person so challenged shall, before his vote is deposited in the ballot-box, unless the challenge is withdrawn, take one of the oaths or affirmations required to be taken at biennial elections, substituting the word village for township or ward wherever it occurs. All persons having the qualifications of electors under the constitution of this State, and who have resided in said village for ten days previous to any election, shall be electors under this act. Any person who is challenged and takes the prescribed oath or affirmation, shall be permitted to vote, but any such person who willfully swears or affirms falsely to any material fact, shall be liable to the pains and penalties of perjury. All elections held in said village under this act shall be conducted in the manner now or hereafter prescribed by law for conducting township elections, except as herein provided to the contrary.

Oath of person
challenged.

Who deemed
electors.

Penalty for false
swearing.

Elections, how
conducted.

Record of cer-
tificate of in-
spectors.

Electors only to
hold office.

Oath of office.

Filing bond or
security.

Council may re-
quire the filing
of new or addi-
tional bond.

Removal from
office.

When office
deemed vacated.

Resignation or
removal not to
exonerate officer
or sureties.

SEC. 13. The clerk shall record the certificate made by the board of inspectors of election in the records of said village, and shall lay the same before the common council at its next meeting held after any such election. No person shall be elected or appointed to any office unless he shall be an elector of the village. All officers of the village, elected or appointed, shall take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the clerk, and in case of failure to do so, within ten days after receiving notice of their election or appointment, shall be deemed to have declined the office, and such office shall thereupon become vacant. Every officer elected or appointed in the village, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the village clerk such bond or security as may be required by law, or by any ordinance or requirement of the common council, and with such sureties [as] shall be approved by the common council, conditioned for the due performance of the duties of his office. The common council may also, at any time, require any officer to execute and file with the clerk of the village additional or new official bonds, with such new or further sureties as said common council shall deem requisite for the interest of the village. Any failure to comply with such requirement within ten days after being so required, shall subject the officer to immediate removal from office by the common council.

SEC. 14. If any officer shall cease to be a resident of the village during his term of office, the office shall be thereby vacated. If any officer shall be a defaulter, the office shall thereby be vacated. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them. Whenever any officer shall resign or be removed from office, or the

term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected shall be deemed an officer within the meaning and provisions of such general laws of the State.

Delivery to successor of books, moneys, etc.

Penalty for neglect.

Who deemed officers.

SEC. 15. The president shall be the chief executive officer of the village. He shall preside at the meetings of the common council, and shall from time to time give the common council information concerning the affairs of the village, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village, and over the public property belonging thereto, see that the laws relating to the village, and the ordinances and regulations of the common council are enforced. The president shall be a conservator of the peace, and may exercise within the village the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the common council, and to suppress riot and disorderly conduct. The president shall have authority at all times to examine and inspect the books, records, and papers of any agent, employe, or officer of the village, and shall perform generally all such duties as are or may be prescribed by the ordinances of the village. In the absence or disability of the president, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of president.

Powers and duties of president.

Conservator of the peace.

Authority to inspect books, records, etc.

President pro tem.

SEC. 16. The village clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the village, not by this act or the ordinances of the village entrusted to some other officer; he shall be clerk of the common council, shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the village, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the originals would be. The clerk shall report to the common council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the village, and shall perform such other duties pertaining to his office as the common council may require.

Clerk, powers and duties of.

To report to council.

SEC. 17. The village treasurer shall have the custody of all moneys, bonds, other than official, mortgages, notes, leases, and evidences of value, belonging to the village. He shall receive all moneys belonging to and receivable by the village, and keep an account of all receipts and expenditures thereof. He shall pay no

Treasurer to have charge of money, etc.

Account of money received and paid out.

Monthly report to clerk.

Annual report to council of receipts and disbursements.

Publication of same.

Vouchers for money paid to be filed with clerk.

Treasurer prohibited from using village moneys.

Penalty for violation.

Powers and duties of marshal.

To keep record, etc., of arrests.

money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk and president, which shall specify the fund out of which and the purpose for which the amounts thereof are to be paid. He shall keep an account of, and be charged with, all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued. The treasurer shall render to the clerk on the first Monday of every month, if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the common council annually, on the first Monday in March, and as often and for such period as the common council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in one of the newspapers of the village, if any be published therein.

SEC. 18. Said treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers, upon settlement with the proper officers of the village, shall be surrendered and filed with the village clerk. The treasurer shall keep all moneys in his hands belonging to the village separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the village moneys, warrants, or evidence of debt, in his custody or keeping, for his own use or benefit, or that of any other person; any violation of the provisions of this section shall work a forfeiture of his office, and the common council, on proof of the fact, are authorized to declare the office vacant and appoint his successor for the remainder of his term.

SEC. 19. The village marshal shall be the chief of the police of the village. As police officer he shall be subject to the direction of the president and common council. It shall be his duty to see that all the ordinances and regulations of the common council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the village, are promptly enforced. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the village. Such process may be served any where in Kalamazoo county. The marshal shall keep a record of all arrests and the cause thereof, and shall enter therein, within twenty-four hours after any person shall be arrested, the name of the person so arrested, the cause of the arrest, the age and nationality of the person arrested, which record shall be the property of the village.

The marshal shall report in writing and on oath to the common council at its first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the village; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the village treasury during the same week when received, and the treasurer's receipt therefor shall be filed with the clerk.

Monthly report of arrests, etc.

All moneys to be paid into treasury.

SEC. 20. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks, within the village, as the common council shall direct to be done, by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the common council. He shall make a report to the common council in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor; the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report.

Street commissioner to perform labor upon streets, etc.

Monthly report to council, of labor performed.

SEC. 21. The assessor shall perform such duties in relation to assessing property and levying taxes in the village as are prescribed by this act.

Assessor to levy taxes.

SEC. 22. The president and trustees shall serve without compensation. All other officers, except where other provision is made herein or by law regulating fees for services, shall receive such compensation as the council shall prescribe.

Compensation of officers.

SEC. 23. The president and trustees of said village, when assembled and organized, shall constitute the common council of the village of Schoolcraft, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; and such common council shall meet at such times as it shall by ordinance determine, and at such other times as the president may appoint; and the common council shall have power to impose, levy, and collect such fines as it may deem proper for the non-attendance of the officers and members thereof at such meetings, and also to require the attendance of any officer of said village, and to impose fines for non-attendance. It shall be the duty of the president to preside at all meetings of the common council, and it shall also be the duty of the clerk to attend all such meetings, and to keep a fair and accurate report of its proceedings. Each member of the common council shall be entitled to one vote. On the second Monday in April in each year, or as soon thereafter as may be, the common council shall appoint one of the trustees of said village president *pro tempore* of the common council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of presi-

Common council, who to constitute.

Quorum.

May levy and collect fines for non attendance.

President to preside at meetings.

Clerk to report proceedings.

Each member entitled to vote.

President pro tempore.

Notice to members of meetings, how given.	dent. In the absence of the president, and president <i>pro tem.</i> , the council shall appoint one of their number to preside. The common council may prescribe the manner of giving notice to the members thereof of its meetings, and the length of notice to be given. In the absence of any regulations, the president shall cause the marshal to give each trustee at least six hours' notice of any special meeting called by the president, by personally notifying each trustee, or by leaving at the residence of such trustee written notice of the time and place of such meeting.
Yeas and nays.	SEC. 24. It shall not be necessary to record the yeas and nays on the passage of any resolution or ordinance, unless demanded by any member of the common council, in which case the yeas and nays shall be ordered and recorded. The common council shall prescribe, by ordinance or resolution, the rules of its own proceedings.
Rules of proceedings.	All votes appropriating money or incurring any indebtedness shall be taken by yeas and nays, and recorded in the journal of the proceedings of the common council, or they shall be void. No member of the common council shall be directly or indirectly interested in any contract with said village. No member of the common council shall hold any other office under this act which is filled by appointment of the common council. All ordinances, when enacted, shall be recorded by the clerk of the common council, in a book to be called "the record of ordinances," and it shall be the duty of the president and clerk to authenticate the same by their official signatures upon such record; an omission to do so shall not render such ordinance or the record thereof invalid. It shall not be necessary to record ordinances at length in the journal of the proceedings of the common council, but the same may be referred to by their title or number. The style of all ordinances shall be: "The village of Schoolcraft ordains." No ordinance imposing a penalty shall take effect in less than seven days after its passage.
Votes appropriating money to be by yeas and nays.	
Members of council not to be interested in contracts.	
Record of ordinances.	
Style of ordinances, When ordinance imposing a penalty shall take effect.	
Penalty for violation of ordinances.	SEC. 25. The council may impose penalties for violating the ordinances of the village, but no fine shall exceed one hundred dollars, nor imprisonment exceeding ninety days; and if imprisonment is adjudged in any case, it may be in the village prison, or in the county jail of Kalamazoo county, as may be prescribed in the ordinance, or in the discretion of the court, if no place of imprisonment is mentioned in such ordinance. All ordinances imposing penalties or forfeitures shall be published by posting up in three public places in said village, or by one insertion in any newspaper published in said village. It shall be the duty of the village clerk to publish all ordinances adopted by the common council within three days after their adoption: <i>Provided</i> , That this shall not apply to ordinances passed by the president and trustees of the village of Schoolcraft, or to such as may be in force in said village at the time this act takes effect as a law, but all ordinances in force in said village of Schoolcraft at the time this act shall take effect, which are not inconsistent therewith, and which the said president and trustees could legally pass, shall be and remain in
Publication of ordinances imposing penalties.	
Of other ordinances.	
Proviso.	

full force therein until amended or repealed by the common council.

SEC. 26. Whenever it shall be necessary to prove any of the laws, regulations, or ordinances of said village, or any resolution adopted by the common council thereof, the same may be read in all courts of justice and in all proceedings: *First*, from a record thereof kept by the village clerk; *Second*, from a copy of the ordinance, or of the record thereof, certified by the clerk under the corporate seal of the village; *Third*, from any volume of ordinances purporting to have been written or printed by authority of the common council.

Manner of
proving ordi-
nances, etc.

SEC. 27. Any justice of the peace of the township of Schoolcraft, in the county of Kalamazoo, shall have authority to hear, try, and determine all causes and suits arising under the ordinances of the village or provisions of this act, and to inflict punishments for violations thereof, as provided in the ordinances of the common council or provisions of this act.

Jurisdiction of
justices.

SEC. 28. Said village shall be allowed the use of the jail of Kalamazoo county, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and the sheriff, or other keeper of such jail, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Village allowed
use of county
jail.

Sheriff to have
charge of crimi-
nals.

SEC. 29. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance to state or set forth such ordinance, or any of the provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title or number, and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the village, referring thereto by its title or number, and the date of its passage or approval.

Setting forth of
ordinance in
suits for viola-
tion of.

Statement of
cause of action.

SEC. 30. An action of debt may be brought by the marshal or any member of the common council, in the name of the village, for the recovery of any penalty incurred by the violation of any ordinance of the village, and upon application of either of said officers, it shall be the duty of any justice of the peace of the township of Schoolcraft to issue a summons returnable in not less than two nor more than six days, which may be directed to the marshal, and shall be served at least two days before the return day thereof, in the same manner as summons issued by justices of the peace under the laws of this State, and the same provisions and principles of law (not inconsistent with this act) shall apply in relation to said summons, the service and return thereof, and all subsequent proceedings in, to, and including the rendition of judgment therein, as applies to the collection of penalties before justices of the peace under the general laws of this State: *Pro-*

Action of debt,
how brought.

Issue of sum-
mons.

Service of.

Proviso—judgment against village, how removed to circuit court.

vided, If any judgment in any action shall be rendered against the village by any justice of the peace, such judgment may be removed by appeal or *certiorari* to the circuit court of Kalamazoo county, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said village.

Fines in action of debt, and for violation of ordinances, how collected.

SEC. 31. Whenever any fine shall be imposed or any recovery shall be had in any action of debt before any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the village, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county of Kalamazoo, to be safely kept by the officer in charge until said defendant be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with the costs and charges thereon, shall be paid, or he be discharged by due course of law: *Provided*, That the common council may remit such fine in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Proviso—council may remit fines.

Citizens competent as witnesses, etc.

SEC. 32. In all suits in which the corporation of the village of Schoolcraft shall be a party or shall be interested, no inhabitant of said village shall be deemed incompetent as an officer, witness, or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with all the inhabitants of said village.

Proviso.

Village prison.

SEC. 33. The common council shall have power to provide and maintain a village prison, or such watch or station houses as may be necessary. In all prosecutions for violations of the ordinances of the village, commenced by any person other than an officer of the village, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

Prosecutions for violation of ordinances.

Council to have control of finances, etc.

SEC. 34. The common council, in addition to the powers and duties specially conferred upon it in this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the village, and may dispose of the same and make such rules and ordinances relating to the same as it may deem proper and necessary; and further, it shall have power within said village to enact, continue, establish, annul, amend, and repeal such ordinances, by-laws, rules, and regulations as it may deem desirable, for the following purposes:

May enact, continue, repeal and annul ordinances for the following purposes.

To prevent vice.

First, To prevent vice and immorality; to preserve public peace and good order;

Punish vagrants.

Second, To punish vagrants, disorderly persons, and common prostitutes;

Abate nuisances.

Third, To abate nuisances and preserve the public health;

- Fourth*, To prohibit and suppress houses of ill-fame, and disorderly and gaming houses; Prohibit gaming houses, etc.
- Fifth*, To regulate, license, or suppress billiard tables and ball alleys; License and regulate billiard tables, etc.
- Sixth*, To suppress gaming; Suppress gaming.
- Seventh*, To license saloons, taverns, and eating-houses, and revoke such licenses at pleasure. All such licenses shall expire on the first Monday of June in each year; To license saloons, etc.
- Eighth*, To regulate and license public shows and exhibitions; Shows, etc.
- Ninth*, To license auctioneers, and to regulate sales of property at auction, except sales made pursuant to some order of court or public law; Auctions.
- Tenth*, To license and regulate hacks and other public vehicles; Public vehicles, etc.
- Eleventh*, To provide for and regulate the inspection of provisions, firewood, and hay on the public markets; To provide for inspection of provisions, etc.
- Twelfth*, To provide for the inspection of weights and measures; Weights and measures.
- Thirteenth*, To borrow money not to exceed one thousand dollars in any year; To borrow money.
- Fourteenth*, Concerning the storing and using of gunpowder, nitro-glycerine, dynamite, dualin, giant-powder, or other combustible or explosive materials, and the exhibition of fireworks, the use of lights in barns, stables, and other buildings, and to regulate or prohibit the discharge of firearms within the limits of the village, or making of bonfires in streets or yards; Storing of gunpowder, use of fire-arms, etc.
- Fifteenth*, To prevent the incumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, or other public places in any manner whatever, and to provide for lighting any of the streets of said village; To prevent incumbering of streets, etc.
- Sixteenth*, To prevent and punish horse-racing and immoderate driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said village; Horse-racing, etc.
- Seventeenth*, To prohibit any person from bringing or depositing within the limits of said village any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof if any person shall have on his or her premises such substances, or any putrid meats, fish, hides, or skins of any kind; and on his or her default, to authorize the removal or destruction thereof by some officer of the village, and to provide for ascertaining the expense thereof and collecting the same from the persons in default; To prevent the depositing and require the removal of offensive substances.
- Eighteenth*, To compel all persons in such part or parts of the village as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions; but the village shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood, or other obstructions; To compel clearing of sidewalks.
- Nineteenth*, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; To regulate the ringing of bells, etc.

Provide for lighting the streets, etc.
Regulate the running at large of dogs.

Establish building lines.

Fire districts.

To regulate and license peddling, etc.
To prescribe duties of appointed officers.

Purchase cemeteries.
Make regulations for fire department.

Ordinances and regulations.

Pounds and the impounding of cattle, etc.

Jurisdiction of court in action of replevin, etc.

Twentieth, To provide for the lighting of the streets and alleys, and the protection of the public lamps;

Twenty-first, To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

Twenty-second, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said village, and to compel such buildings to be erected upon such line by a fine upon the owner thereof not exceeding five hundred dollars for each offense;

Twenty-third, To establish fire districts, within which no wooden building shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain;

Twenty-fourth, To regulate, license, or restrain hawking and peddling in the streets, and to regulate and license pawnbrokers;

Twenty-fifth, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the village for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-sixth, To purchase and regulate cemeteries;

Twenty-seventh, To make ordinances for the organization and regulation of the fire department, and for the prevention and extinguishment of fires;

Twenty-eighth, To enact all ordinances and make all such regulations, not in violation of the constitution and general laws of the State, as may be necessary for the safety and good government of the village and the general welfare of its inhabitants. The common council shall have full power to make all such ordinances, rules, and regulations, as it may deem proper for fully and effectually enforcing any and all powers conferred upon it by this act;

Twenty-ninth, To establish, maintain, and regulate one or more pounds in said village, and to prohibit, restrain, and regulate the running at large of horses, cattle, sheep, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding, and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such ordinances, rules, and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese, or poultry therein impounded, as it may deem necessary, or as may be advisable for the purpose of perfecting the title of any property sold in conformity with any ordinance or by-law, and of preserving the evidence and declaring the legal effect of any and all evidence of any such sale or sales, and no court other than the circuit court for the county of Kalamazoo, or the justices of the peace of the said township of Schoolcraft, shall have jurisdiction of any action of replevin or other action against any poundmaster of said village for or on account of any animal or animals, geese, or poultry impounded, or for or on account of any act done by any such pound-

master in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said village;

Thirtieth. The common council shall have full power to pass ordinances for the closing of all places of business, amusement, and resort on Sunday, and to order the closing of all places of business, amusement, or resort after a certain hour every night of the week, to be fixed by the common council.

SEC. 35. When the common council shall deem it for the public interest, grounds and buildings for the village prison, hospital, pest-house, cemetery, and water-works may be purchased, erected, and maintained beyond the corporate limits of the village; and in such cases the common council shall have authority to enforce beyond the corporate limits of the village, and over such lands, buildings, and property, in the same manner and to the same extent as if they were within the village, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, pest-house, or hospital.

SEC. 36. The common council shall have authority to lay out and establish public parks and grounds within the village, and to improve, light, and ornament the same, and to regulate the use thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment, and injury.

SEC. 37. The common council shall have the supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the village, and shall have the like authority over the same as given in relation to highways by the general laws of this State to commissioners of highways, in addition to the other powers conferred in this act. The common council shall have control of all sidewalks in the public streets and alleys of the village, and may prescribe the grade thereof, and change the same when deemed necessary. It shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense of the sidewalks upon the lots and premises adjacent to and abutting upon such walks. The common council shall also have authority, by ordinance with suitable penalties, to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the common council shall by ordinance prescribe, and to keep the same free from obstructions, snow, ice, filth, or any nuisance, and may, by a general ordinance, prescribe the manner of building all sidewalks, or sidewalks in particular streets in said village. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in this section, the council may cause such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the common council thereby shall be

Closing of places of amusement, etc., on Sunday.

Council may purchase ground, erect hospital, pest-house, water-works, etc.

Lay out and establish public parks.

Have supervision of highways, bridges, streets, etc.

Sidewalks.

Require the building of sidewalks, etc.

Council may build and assess expenses on lots benefited.

levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk. Any special assessment so levied shall be a lien on the premises upon which the same is assessed and levied from the time that the same is placed in the hands of the officer for collection until paid. The common council shall have full power to provide by ordinance for enforcing the collection of any such special assessment by distress and sale of the goods and chattels of the persons assessed, and for want of such goods and chattels, or sufficient to pay the amount of such special assessment with interest, costs, and expenses, then the real estate assessed, or so much thereof as shall be necessary. Where real estate is sold for the non-payment of any such assessment, it shall be sold and may be redeemed in the manner provided in section seventy of this act.

Special assessment a lien.
Ordinance for enforcing collection.
Licensing the business of tavern keeping, etc.
Penalty for exercising business without license.
May impose tax on saloon keepers, etc.
When tax is imposed no license to be paid.

SEC. 38. The common council shall have power to provide by ordinance that no person shall engage in or exercise the business of tavern-keeper, saloon-keeper, restaurant-keeper, innkeeper, or common victualer, within the limits of said village, until he or she is first duly licensed as such by the common council; and any person who shall assume to exercise such business or occupation without having first obtained such license as shall be so required, shall forfeit and pay for every day he or she shall so exercise such business or occupation, the sum of five dollars per day, for each and every day that he or she carries on such business, without such license, to be recovered by action of debt in the corporate name of said village, together with the costs of prosecution, before any justice of the peace of said township of Schoolcraft. The common council shall have power to authorize persons to exercise the business of a saloon, inn-keeper, or common victualer, within such village, and may impose such tax to be paid into the village treasury, on the granting of such license, as they may see fit, and may revoke such license at pleasure. No such saloon-keeper, restaurant-keeper, inn-keeper, or common victualer shall be compelled to pay any license under this act, whenever any tax is levied on the business carried on by such saloon, restaurant, or inn keeper, or common victualer, provided he pays such tax when due.

What to be deemed evidence of business of saloon keeping.
Occupant to be deemed keeper.

SEC. 39. In all cases where any other person other than the members of the family or household of the keeper of a saloon is or are found frequenting or present, or gas or other light is seen burning in such saloon, where beverages or refreshments are sold, at any time during which the sale is prohibited, by any ordinance of said village, without a license, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that the business of a saloon is carried on in such place. Any house, shop, room, or other place in which are proved to exist a bar, kegs, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in saloons where beverages and refreshments are accustomed to be sold, shall be deemed to be a saloon in any prosecution for carrying on such business without a license, unless the contrary is proved by the defendant; and the occupant of such house, shop, room, or other place shall be taken, *prima facie*, to be

the person who has or keeps therein such beverages or refreshments for sale or traffic therein.

SEC. 40. It shall be the duty of the common council to cause such of the streets and highways in said village as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the clerk of said village, in the book of street records; and the recording of such highways, streets, lanes, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council, and recorded in the book of street records in the office of the clerk by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described.

Survey and record of streets used six years.

Recording of streets, etc., evidence of existence.

SEC. 41. The common council may prevent and punish the riding or driving of any beast or team upon any sidewalk, or the doing of any act injurious or dangerous to any of the property of said village or of the property of any of the inhabitants thereof, or which shall be dangerous to the life, person, or health of any of the inhabitants of said village; and whenever by this act the common council is given any power, it may adopt ordinances, rules, and regulations relative thereto, with suitable penalties for a violation thereof; and said common council shall have power to forbid the vending or other disposition of liquors and intoxicating drinks to minors, and to forbid and prevent boys from congregating in or frequenting saloons, restaurants, and bar-rooms, and shall by ordinance provide for the punishment of any saloon, bar, or restaurant keeper for allowing boys to congregate in or frequent his saloon. All official bonds shall be recorded in the records of said village by the clerk, after being approved by the common council. The common council shall have full power and authority to prescribe and adopt ordinances for the removal of any officer of said village, except the president and trustees, for any gross neglect in the discharge of their official duties. No person holding an elective office in said village shall be removed by the common council, except by a vote of two-thirds of all the members elect. And the common council shall have full power to prescribe the mode of procedure in cases of removal, and the action of the common council in such cases shall be final.

Council to prevent injury to sidewalks, and property.

To forbid sale of liquor, etc., to minors.

To prevent boys from frequenting saloons.

Record of official bonds.

Removal of officers for neglect of duty.

Two-thirds vote necessary to remove an elective officer.

Proceedings in case of removal.

SEC. 42. Any justice of the peace of the township of Schoolcraft, before whom any fines or penalties for a violation of any ordinance of said village or any of the provisions of this act shall be recovered, shall pay the same when collected into the village treasury; and each of said justices shall report on oath to the common council at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and the amount thereof, and all moneys by him received for or on account thereof, which moneys so received, or which may be in his hands collected on such fines, penalties, or forfeitures, and to be paid into the village treasury.

Justice to pay fines into treasury.

Monthly report to council of judgments rendered, etc.

Moneys, when paid into treasury.

ury, shall be paid into the said treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office.

Duties of officers prescribed by council.

SEC. 43. All officers of said village shall perform such other and further duties that may be prescribed by the common council by ordinance or otherwise, in addition to the duties required to be performed by such officers by the provisions of this act.

Duty of assessor in making assessment roll.

SEC. 44. The assessor shall annually on or before the second Monday of May make and complete an assessment of all real and personal property in the village not exempt from taxation by any law of this State. He shall make the assessment roll conform as near as may be to the assessment rolls of supervisors in townships, except as is otherwise herein provided. It shall not be necessary to place non-resident lands separate on said roll. He shall place the names of the owners, agents, or persons liable to pay the taxes on such property on said roll, if known to him, and he shall set down in such roll the valuation of such property, placing the valuation of personal property on a separate line from that of real estate, and he shall assess all such property at its true cash value.

President and assessor to review assessment roll, when and where to meet.

SEC. 45. On the third Monday of May it shall be the duty of the president of the village and the assessor to meet at nine o'clock in the forenoon of said day at the office or place of business of the assessor, for the purpose of reviewing the assessment roll of said village, and of correcting any and all errors that may be discovered in said roll, and of exercising all the powers which the supervisors of townships are authorized to exercise at the time appointed by law for the review of their assessments, and the president or assessor is hereby authorized to examine on oath any person who shall make any application to said board, and also to administer any oath to any such person, or to any person who may be required to file any affidavit with them or either of them. In case the president or assessor is absent or unable to attend from any cause, the treasurer shall be authorized to act in place of the officer so absent or unable to attend, and if none of said officers can attend, then the common council may immediately appoint one or more of its members to review said roll on said third Monday of May or on the day following.

Who to act in absence of either.

Certificate of officers reviewing.

SEC. 46. When said roll has been reviewed it shall be the duty of the president and assessor, or the officers who have reviewed said roll, to attach thereto a certificate signed by them, which may be in the following form: "We do hereby certify that the above assessment roll contains a description of all the real estate in the village of Schoolcraft liable to be taxed, according to our best information; and that we have estimated the same at what we believe to be the true cash value thereof, and not at the price it would sell for at a forced auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value according to our best information and belief."

Form of certificate.

SEC. 47. The assessor shall give five days' notice of the time and

place that said roll will be reviewed, by posting up notices in three public places in said village, but an omission to give such notice shall not invalidate the assessment or tax roll. .

Assessor to give notice of review.

SEC. 48. Said roll shall then be deposited by the assessor with the clerk of the village, and the common council shall have power at any time within sixty days thereafter to revise said roll by increasing or decreasing the valuation of any particular description or descriptions of property thereon, and shall have power to correct all descriptions on said roll. After said roll has been revised by said common council, or has been approved without revising or making any changes therein, the common council shall cause a certificate under the seal of the village to be attached to said roll, setting forth that said roll has been examined and approved by said common council. Said certificate shall be signed by the clerk and countersigned by the president, and the action of the common council shall have the effect of curing any and all errors previously made (if any) by the assessor as to the time and manner in which he made said roll. Said roll shall then be returned to the assessor, who shall deliver the same to his successor in office.

Deposit of roll with council for revision.

Certificate of examination and approval.

Roll to be returned to assessor.

SEC. 49. The common council shall have power annually to raise by general tax upon the taxable property of said village, not to exceed one per cent on the valuation thereof, for the ordinary and incidental expenses of said village. Such tax shall be designated on the tax roll as the village tax, and shall be paid into the general fund of the village when collected. The common council may also raise not to exceed one-half of one per cent annually on said valuation for street and highway purposes, which shall be designated on the tax roll as the highway tax, and when collected shall be paid into the street and highway fund. The common council may also raise not to exceed one-half of one per cent annually on said valuation for fire department purposes, which shall be designated on the tax roll as fire department tax, and shall, when collected, be paid into the fire department fund. The common council shall have power to levy and cause to be collected, in each year, a poll tax of one dollar upon every male inhabitant of the village between the ages of twenty-one and fifty years, excepting active members of the fire department and such other persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the street and highway fund. The common council shall have power to provide by ordinance for assessing and collecting the street and highway and poll tax, at the same time and in the same manner that highway taxes are assessed by commissioners of highways and collected by overseers of highways in townships, and for returning all such street and highway taxes as are not collected to the assessor, to be spread on the general tax roll of the village. In case no ordinance is passed for collecting such taxes, they shall be collected on the general tax roll when the other taxes are collected.

Raising of taxes and limit of.

Village tax.

Highway tax.

Fire department tax.

Poll-tax.

Moneys collected to be paid into street and highway fund.

Ordinance for assessing and collecting.

How collected.

SEC. 50. It shall be the duty of the common council to deter-

Council to determine annually the amount of tax to be raised.

Clerk to certify amount to assessor.

Assessor to spread tax on roll.

Duplicate copy of roll with warrant for collection.

Contents of warrant.

Roll not to be delivered until marshal files security.

Council may extend time for giving security, or appoint a collector.

May renew and extend warrant.

Return of warrant and tax roll with statement of unpaid taxes, etc.

Unpaid taxes a lien.

Treasurer to preserve a list of lands returned.

mine, on or before the third Monday of October in each year, the amount of tax to be raised in said village for village, street, and highway and fire department purposes, and for such other lawful purposes under this act, and upon such determination the clerk shall give a certified statement of such amount to the assessor, who shall immediately thereafter spread such taxes on the assessment roll in the same manner that taxes are spread on assessment rolls by supervisors in townships. He shall make a duplicate copy thereof, and annex thereto his warrant, directed in the name of the people of the State of Michigan to the marshal of said village, commanding him to collect from the several persons named on the annexed tax roll the several sums set opposite their respective names in the last column of said roll, and that in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. Said warrant shall briefly recite the amount of tax to be raised in each fund, and the name of such fund, and it shall direct such marshal to pay over to the treasurer of said village all sums of money collected by him within six days after the collection of any tax, and within sixty days from the date of said warrant.

SEC. 51. Said assessor shall not deliver said tax roll and warrant to the marshal until he files with said assessor a certificate under the seal of the village, signed by the clerk and countersigned by the president, setting forth that said marshal has given security to said village satisfactory to the common council, for the collection of such tax, and upon the filing of such certificate the assessor shall, on or before the first Monday of December, deliver such tax roll to the marshal for collection. In case the marshal fails to file such security, the common council shall have power to extend the time for giving it, or may immediately appoint a collector to collect the tax, who, upon giving the requisite security shall have the same powers, and shall proceed in the manner herein prescribed for the marshal in collecting such taxes. The common council shall have power, by resolution entered on its record, to renew and extend the warrant of collection from time to time, not exceeding ninety days in all, but in case any proceedings are taken in law or equity to test the validity of any tax, the common council shall have power to keep alive the warrant of collection for a period not to exceed ninety days after the final determination of such legal proceedings.

SEC. 52. Within one week after the expiration of the time limited in the warrant for the collection of the taxes levied in said roll, or within one week after the time to which said warrant may have been renewed or extended, the marshal shall make return of said warrant and tax roll, and a statement on oath, showing the amount of all taxes remaining unpaid, and a description of all lands upon which the taxes remain unpaid, and the amount delinquent upon each parcel. All taxes levied upon lands so returned as delinquent shall be and remain a lien thereon until paid. The treasurer of the village shall preserve, in books to be kept by him for that purpose, a list of all lands returned by

the marshal to him as delinquent for taxes assessed thereon as aforesaid; and upon taxes so returned interest shall be charged at the rate of fifteen per cent per annum from the date of the warrant until paid. Upon the marshal making a return to the treasurer of the lands upon which the taxes were not paid, the treasurer shall cause the land charged with the tax and interest aforesaid, or so much thereof as may be necessary to pay the tax and interest, to be sold at public auction for that purpose.

Upon return of unpaid taxes treasurer shall sell the land.

SEC. 53. Before any lands shall be sold for delinquent taxes as provided in the preceding section, the treasurer shall give notice for not less than four weeks, by publication, once in each week, in a newspaper published in the village, if any shall be printed therein (and four insertions shall be deemed to be four weeks), and if not, then by posting notices for the same length of time before the sale, in three of the most public places in said village, of the time and place of said sale, with a description of the lands to be sold, and the amount of taxes, charges, and interest remaining unpaid thereon.

Notice of sale.

SEC. 54. On the day mentioned in the notice, the treasurer shall commence the sale of the lands upon which any taxes or assessments and interest remain unpaid, and continue the same from day to day until all are sold; and shall sell so much of each description of said lands as will pay the taxes, assessments, interest, and costs of sale, as aforesaid.

Sale.

SEC. 55. If less than the whole of any description or parcel of land shall be sold for the taxes, the portion sold shall be taken from the north end or side of such description. If any parcel or description of such lands shall not be sold for want of bidders, the treasurer shall bid off the same to and for the village, and shall give a certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser, except that lands so bid off to the village shall continue liable to be taxed in the same manner as if they were not the property of the village, and such taxes shall be a lien upon such lands.

If less than whole description sold, to be taken from north side. When lands may be bid off to village.

Lands bid off to village liable to taxation.

SEC. 56. At such sale the treasurer shall give the purchaser of any such lands a certificate describing the land purchased, and the amount paid therefor, and stating the time when he will be entitled to a deed of the lands.

Certificate of purchase.

SEC. 57. At any time within one year after such sale, any person owning any parcel of land so sold, or any interest therein, may redeem such land, or such interest therein, by paying to the village treasurer the amount for which the land was sold, or such portion thereof as his part interest amounts to, with interest thereon at the rate of fifteen per cent per annum. If any lot or description of land sold as aforesaid, or any part thereof, shall not be redeemed as aforesaid within one year from the date of said sale, the treasurer shall, at the expiration of said year, execute to the purchaser, or to his or her heirs or assigns, a conveyance of the land sold, or of that part thereof not redeemed, which said conveyance shall, in case all the proceedings previous to the execution of the deed have been regular and according to law, vest in the purchaser, or to whomsoever it shall be given, an estate in

Time for redemption.

Conveyance.

fee simple ; and said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessors to the date of the deed inclusive, and of the title in fee of the guarantee therein named. And every such conveyance, duly executed and acknowledged by said treasurer, may be given in evidence in the same manner as other deeds of conveyance.

When may be used as evidence

Want of form not to make tax illegal.

When papers, etc., presumed to be regularly filed.

Lands bid off to village liable to taxation.

Taxes paid by village a lien.

Limit of time action may be commenced for recovery of land sold for taxes.

Not necessary for purchaser to take possession of land.

Proviso—additional time for insane, imprisoned, and absent persons.

Tax roll evidence, and may be used in suits, etc.

Collection of tax against persons who have removed.

SEC. 58. No tax or assessment, general or special, shall be held invalid for want of any matter of form, nor because the assessor omitted to assess all descriptions of taxable property in said village, nor because a portion of any tax in any roll is illegal, unless the party claiming such tax or assessment to be void shows affirmatively that the legal part of such tax or assessment was paid or tendered before the time for redemption of the property sold expired. Whenever any paper, document, tax roll, or record is required to be filed or recorded in any proceeding imposing any tax or assessment in said village, it shall be presumed that such paper document, tax roll, or record was regularly filed and recorded until shown affirmatively to the contrary. All lands bid off to the village for non-payment of any village tax or assessment, shall continue liable to all taxes and assessments the same as if owned by a private individual, and any taxes paid on such lands by such village shall be an additional lien thereon in favor of said village. No action, suit, or proceeding shall be had or maintained, nor shall any entry be made by any person for lands sold for non-payment of any tax or assessment, general or special, levied thereon by said common council after the expiration of seven years from the date of the deed executed by said treasurer to the purchaser or his heirs, personal representatives or assigns, and it shall not be necessary for such purchaser, his heirs, or assigns to take actual possession of such lands, but shall pay or tender all taxes lawfully imposed on said lands during such period, and shall cause the deed given by such treasurer to be recorded in the registry of deeds of Kalamazoo county, within three months after its execution and delivery: *Provided*, That any person who is insane, imprisoned in any State prison in the United States or Canada, or who is absent from this State, or who is under the age of twenty-one years, shall have three years after such disability ceases, in addition to said seven years, to enforce any rights claimed by such person as to any such lands as sold for non-payment of any tax or assessment.

SEC. 59. The tax roll of said village shall be *prima facie* evidence of the facts therein contained, and may be used in evidence in any suit or proceeding instituted to test the validity of any tax levied by said common council, or when the marshal sues for any tax. In case any person upon whom any tax shall be assessed in said village for personal estate shall have removed out of said village after the assessment and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county of Kalamazoo to which such person shall have removed, or in which he shall reside.

SEC. 60. Whenever any tax shall have been, or which may hereafter be assessed on personal property in said village, shall be returned by the marshal for non-payment under the provisions of this act, it shall be lawful for the marshal of the said village to sue the person or persons against whom tax was assessed, before any court of competent jurisdiction in this State, and to have, use, and take all lawful ways and means provided by law for the collection of debts from private individuals to enforce the payment of such tax.

Collection of tax on personal estate by suit.

SEC. 61. Immediately upon receiving the tax roll, with the warrant thereto annexed, as provided in section fifty-one, the marshal shall proceed to collect the taxes levied therein, according to the direction of said warrant, together with such percentage thereon for collection fees as shall be authorized by the common council, not to exceed one per cent before the first of January, and not to exceed four per cent after that date. In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the marshal shall levy the same by distress and sale of the goods and chattels of the said person liable to pay the same, wherever such goods and chattels may be found, either in said village or elsewhere in Kalamazoo county, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers, and for such purpose and for the collection of the taxes aforesaid, shall have all the powers, and perform the like duties, so far as applicable, as are conferred upon or required of township treasurers, in the collection of taxes levied in townships.

Upon receipt of roll and warrant, marshal to proceed to collect taxes.

Sale of goods and chattels for.

Notice of sale.

SEC. 62. Private property may be appropriated for public use, for the purpose of opening, widening, altering, and extending streets, alleys, and highways in said village. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve disinterested freeholders, residing in the village, or in any part of Kalamazoo county; nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the members elect of the common council. The council may, however, acquire such property by negotiation and purchase. When the common council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, it shall so declare, by resolution, describing the proposed improvement, and each parcel of land assigned to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the township of Schoolcraft, to whom an application will be made at a time therein to be stated, for the impaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

Proceedings prior to taking private property for public use.

Council may acquire by negotiation.

Resolution describing improvement and designating justice to whom application will be made for a jury.

SEC. 63. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of said appli-

Copy of resolution to be filed with justice.

Notice of time and place of application, how given.

Service of copy of notice and resolution.

Return of service to be filed with justice.

After service persons interested to be bound by subsequent proceedings.

List of jurors.

Manner of striking jury.

Justice to issue venire requiring jury to meet.

cation, including a copy of said resolution, shall be given by publishing the same for three weeks in some newspaper published in Kalamazoo county, the first publication of which shall be at least thirty days before the time fixed for the application, and three insertions shall be sufficient. And a copy of said notice and resolution shall be served personally by the marshal, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the village or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the village or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the marshal of the service or posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before or at the time of making said application. And after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without farther notice, except as herein otherwise provided.

SEC. 64. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the attorney of said village, cause the marshal to make a list of the names of twenty-four disinterested freeholders residing in said village or county, competent to serve as jurors. From said list the village attorney and said owners who appear, or any of them, may strike out each six names. In case the parties are unable to agree as to the manner of striking said jury, or if said owners shall be unable to agree as to which names shall be stricken from said list, or if such owners shall fail to appear, or if either party shall fail or neglect to strike such names, then the justice may strike such names for the parties, and shall, so that only twelve names shall be left on said list. In striking the names, a majority of the owners or persons interested in the lands shall determine which name shall be struck off by such owners. In case objection is made as to any person appearing on behalf of said owners to strike off such names, then such person shall immediately make and file his affidavit showing that he has such right to appear, else the justice shall exclude him from any participation in striking off such names. Such justice shall then issue his *venire* in the usual form, inserting therein the twelve names so remaining on said list, and requiring such jury to meet at the time and place appointed therefor by such justice, which shall be stated in said *venire*, and shall not be less than three nor more than six days from the issuing of the same, which said *venire* may be served by the marshal of said village. And if at the time and place appointed by said justice for said jury to

meet, or for one hour thereafter, any of the persons named as jurors do not attend, or if any named in the *venire* or chosen as talesmen shall be rejected for cause (which right of challenge is hereby granted to both parties or to any or either of said owners in attendance), it shall be competent for said justice to order the said marshal or other officer to summon immediately as many competent persons as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, or on proof of service of said *venire* said justice may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such *venire* or attachment, as courts of record or justices' courts are authorized to do in civil cases. Said *venire* shall be served at least one day on each of the persons named in it as jurors before the return day thereof, and may be served by reading the same and by giving a copy if required.

Manner of completing panel when jurors do not attend.

Venire to be served at least one day before return day.

SEC. 65. Any guardian or trustee of any person that is insane, idiotic, under the age of twenty-one, or otherwise under a similar disability, shall have power to appear on behalf of any such person so disabled from appearing, and shall have a right to protect the interests of such person so disabled, the same as such person so disabled could if personally served and no disability existed. In case any such person so laboring under such disability has no guardian, any court of record of competent jurisdiction shall, upon application of said common council, appoint a guardian *ad litem* upon whom process may be served, and who shall have full power to appear for the person for whom he is appointed such guardian, and all proceedings shall be stayed before such justice until such guardian is appointed.

Guardian or trustee may appear for disabled person.

Appointment of guardian *ad litem*.

SEC. 66. Such jury shall then be duly sworn by said justice faithfully and impartially to inquire, ascertain, and determine the necessity for taking such lands for the purposes required by said city, and the just compensation to be made therefor, if so determined necessary to be taken; and the persons thus sworn shall constitute the jury in such case. Subpœnas for witnesses may be issued by such justices at the request of any party to the proceedings, the same as in civil cases before justices of the peace in townships, and with like effect, and such justice shall have the same power to compel the attendance of witnesses as in civil cases.

Oath of jury.

Subpœna of witnesses.

SEC. 67. The expense of opening, altering, or straightening any street, alley, or highway in said village may be defrayed out of the general street and highway fund of said village, or may be assessed and levied on the property to be benefited by such improvement, or may be partly defrayed by general tax on the taxable property of the village, and partly on the party to be benefited. In case the common council decides to wholly or partly assess the cost of such improvement on the property to be benefited, it shall proceed as provided in the next section.

Expense of opening streets, etc., how paid.

SEC. 68. The common council shall ascertain what property in the vicinity of any street opening is to be benefited thereby, and said council shall make and define an assessment district of all property which, in the opinion of the common council, may be

Council to make assessment district of property benefited.

District may be created by resolution.

Resolution to be submitted to jury.

Jury to determine amount to be assessed for street improvement.

Owners entitled to notice of application for jury, etc.

To be served by marshal.

Return of doings, effect of.

Right of owners to appear before jury.

Who eligible as jurors.

Who not eligible.

Term "tax-payer" defined.

Duty of justice when jury are unable to agree.

benefited by such street opening. Such district may be created by resolution of the common council, defining the descriptions of land within the same, and the names of the owners, if known, and a copy of such resolution, certified by the clerk to be a true copy of the resolution, recorded in the records of said village, shall be submitted to the jury empaneled under section sixty-four of this act, and if such jury shall decide in favor of making the proposed street opening, they shall, at the same time, determine the amount to be paid by general tax on the whole village, if any, and the amount to be assessed on each or any of the descriptions of land in said assessment district, if any, for the purpose of defraying the expenses of opening such street, and the amounts so determined by said jury to be assessed on each description of land in said district shall constitute a lien on said lands from the rendering of such verdict, and shall also be a personal charge against the owners of said lands. The owners of such descriptions of land in said assessment district shall be entitled to notice of the application for a jury, the time and place where such application shall be made, and the descriptions of land in such assessment district, giving the names of the owners or occupants, if known, and that the jury will be asked to assess the cost of such street opening, or such part thereof as the jury may think proper, on the several descriptions of land in said district. Such notice shall be served by the marshal in the same manner prescribed for serving notice on the owners of the land to be taken for street purposes, provided for in section sixty-three of this act, and the marshal shall make a return of his doings on the certified copy of the resolution to be submitted to said jury, as hereinbefore provided, which return shall have the same effect for the purpose of conferring jurisdiction as the return of a sheriff to process in civil cases, and the owners of any description of land in said assessment district shall have the right to appear before said jury in person, or by agent or attorney, for the purpose of showing that they will not be benefited by such improvement, or to make any legal defense before said jury against being assessed for such street openings.

SEC. 69. All freeholders of Kalamazoo county shall be eligible as jurors for the purpose contemplated in section sixty-two of this act, but it shall be a cause of challenge on the part of the village, and also on the part of the owners of the lands proposed to be taken, or any of them, that any of the jurors is a freeholder or taxpayer in said village of Schoolcraft. No person shall be eligible as a juror in such case who is a freeholder or tax-payer in said village if objected to by either party, or where there has been no personal service and the party has not appeared. By the term tax-payer it shall be understood to mean only such persons as are actually on the assessment or tax roll of said village taxed for either real or personal estate at the time of being so drawn on such jury. In case the jury shall be unable to agree, the justice may, when he thinks proper, discharge them from the further consideration of the subject when he is satisfied that there is no prospect of an agreement, and if the village so desires it, he shall proceed to empanel another jury

within ten days from the time of discharging said first jury, and adjournments may be had, in the discretion of the justice, by either party, from time to time, the same as in civil cases before justices of the peace. If the village desires another jury empaneled, on the disagreement of any jury, it shall be sufficient for the village attorney, or the council employed on behalf of the village, to give notice verbally or in writing to such justice at the time of discharging said jury, and said justice shall then and there determine when the next jury shall be drawn.

SEC. 70. In case the village of Schoolcraft is the owner of any land which is necessary to be taken for street purposes, said village shall have the right to have the value of such land assessed on the descriptions of land in said assessment district, in the same manner, and to the same extent, as if such land was not owned by said village. When such proposed street opening is determined in favor of the village, the common council shall, within six months thereafter, cause a special assessment roll to be made containing the descriptions of land in said assessment district, with the names of the owners, if known, together with the amounts assessed by said jury, with interest at ten per cent per annum from the date of the verdict of said jury in justice's court, on each description which has not been paid into the village treasury by the owners of such descriptions; and the president shall annex thereto his warrant, directed to the treasurer, commanding him to collect the said sums of money in the last column of said roll, from each person named therein, together with two per cent for his collection fees, within thirty days from the date of said warrant. The common council shall have power to renew and extend said warrant from time to time, not to exceed sixty days in all, except where the collection of the tax has been prevented by proceedings at law or in equity, in which case the common council may keep alive said warrant for sixty days after the final determination of such proceedings. Such warrant shall command such treasurer to levy such special assessment, and the interest thereon, by distress and sale of the goods and chattels of such person wherever found in said county, and in default of such goods and chattels, or a sufficient amount thereof, being found, then of the real estate of such persons included in said descriptions of land in such assessment district. In case it becomes necessary to sell such descriptions of land in said assessment district, or any of them, for non-payment of such special assessment, and interest thereon, the treasurer shall give at least thirty days' notice of the time and place of such sale, with a description of the land and the amount due thereon; and on the day of sale he shall sell such descriptions of land, or so much thereof of each as will be sufficient to pay the amount due, with costs and expenses of sale; and if there are no bidders, said lands may be bid in by the treasurer for said village. In cases of sales of personal property, ten days' notice shall be given by three or more notices posted up in three or more public places in said village, and by one insertion in some newspaper published in said village, if any be published therein, or in some newspaper published in Kalamazoo county, if

Idem.

Where village land is taken, value of land to be assessed on district.

Special assessment roll for opening streets.

President to annex warrant directing treasurer to collect tax.

Council may renew and extend warrant.

Treasurer to levy assessment by distress and sale.

Notice in case it is necessary to sell land.

To state time and place of sale.

Sale.

Lands may be bid in for village. Notice of sale of personal property.

How given in cases of sales of real estate.

Treasurer to execute deeds if land not redeemed in three months.

Persons not served with copy of resolution, etc., may redeem within one year.

Land not to be sold for less than amount assessed, etc.

Council to provide by ordinance anything necessary to make a valid sale.

When deeds to be executed.

How executed.

Percentage and expenses of sales.

When property shall be advertised.
Renewal of warrant not to suspend any sale advertised.

Special assessments a lien.

no paper is published in said village. In cases of sales of real estate, notice shall be given by advertisement in some newspaper published in said county of Kalamazoo, if any be published therein, for three successive weeks, once in each week, immediately preceding such sale, and three insertions shall be held to be three weeks' notice.

All persons purchasing lands at such sales, or their heirs or assigns, will be entitled to deeds of the same from the treasurer of said village on the expiration of three months thereafter, unless sooner redeemed; but any person who was not personally served with a copy of said resolution of the common council and did not appear before the jury aforesaid, then such person shall have one year after such sale for redeeming any land of such person which may have been sold at such sale. No land shall be sold to any person for a less sum than the amount assessed thereon by said jury, with the interest, costs, and expenses of sale, and in each case the village may purchase any such descriptions. The common council shall have full power and authority to provide by ordinance anything necessary, proper, or expedient to be done in the premises in order to make a valid sale of any description of land in such assessment district, upon which the amount assessed thereon by said jury remains unpaid, and which is not provided for in this act.

When the time for redeeming such lands has expired, to wit: three months for those personally served, and one year for those constructively served by advertisement, from the day of such sale, the treasurer shall execute deeds of conveyance to the purchasers at such sale, their heirs, personal representatives, or assigns, which deeds shall be *prima facie* regular and valid; and everything required to be done by the provisions of this act to make such conveyance valid shall be presumed to be done until the contrary is shown affirmatively. Such deeds shall be executed and acknowledged in the usual manner that deeds between individuals are executed and acknowledged, and when the village is the purchaser the deed shall be from the treasurer, naming him as such treasurer of the village of Schoolcraft to the village of Schoolcraft.

SEC. 71. On all personal property sold for non-payment of such assessment, the treasurer shall be entitled to five per cent of the amount of such assessment, together with such reasonable expenses authorized by this act as he may have incurred; and in the sale of real estate under the preceding sections, he will be entitled to the same compensation as is hereinbefore provided in the sale of personal estate, together with the costs of advertising, and the other reasonable expenses of such sale authorized by this act. All such property, real and personal, shall be advertised for sale at least within twenty days after the expiration of said warrant; but a renewal of such warrant by the common council shall not suspend any sale already advertised, unless specially ordered to be suspended by the council, and in such case no sale shall be advertised until ordered by the council, and when so ordered, the same notice of sale shall be given as is hereinbefore prescribed. Said special assessments shall constitute a lien on said descriptions of land from the date of the verdict of the jury before such justice, as well as a

personal charge against the owners of such lands. No person shall have a right to redeem any of said lands sold for non-payment of any such special assessments, until he pays the amount for which such land was sold, together with the expenses of such sale, including advertising, and fees of officers, and fifteen per cent per annum on such aggregate sum from the date of sale to the date of redemption.

Amount to be paid before redemption.

SEC. 72. The jury shall consider upon each parcel of land described in the resolution of the common council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Jury to consider upon each parcel separately.

If necessary to take land, shall award compensation.

To estimate damages and benefits.

Apportionment of damages where several persons are interested.

SEC. 73. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury.

Report of jury. Contents of report.

Report to be signed and returned to justice.

SEC. 74. The village attorney shall give such assistance to the jury in making up their report as they may require from him. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the village attorney, for the use of the common council; and at any time thereafter, and within forty days after the empaneling of the jury making the report, the justice, upon the application of the common council, shall enter judgment of confirmation of the determinations and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards

Village attorney to assist jury in making report.

May take copy for use of council.

Justice to enter judgment of confirmation, on application of council.

When proceedings at an end.

Parties interested to take notice of confirmation.

Judgment final as to parties not appealing.

Appeal to circuit court.

Claim of appeal, what to set forth.

Village may take possession notwithstanding appeal.

Owners may take *certiorari* to circuit or supreme court on questions of jurisdiction or regularity.

Not to be taken after three months from award of jury, etc.

Justice to return to circuit court a certified copy of proceedings.

Court shall award costs. When party appealing entitled to full costs.

Collection of.

Payment or tender of sums assessed or awarded as damages by jury.

shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time prescribed in the next section.

SEC. 75. Any party aggrieved by the judgment of confirmation mentioned in the preceding section, may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county of Kalamazoo by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and such appeal shall thereupon be considered as made by such party. Said village, however, may go on and take possession of said lands notwithstanding such appeal, provided said village has paid, tendered, or deposited the amount of damages awarded by the jury as provided in section seventy-seven of this act. Said owners, or any of them, may also take a common-law *certiorari* to the circuit court for the county of Kalamazoo, or to the supreme court upon any question touching the jurisdiction or regularity of the proceedings, but no *certiorari*, either statutory or common law, shall be taken or issued after the expiration of three months from the time of such award of the jury, nor unless notice in writing is given to said justice of the peace within forty days after such award of the jury that such *certiorari* will be taken. Such notice to be signed by such owners, or any of them, or by their attorney or agent.

SEC. 76. Upon the filing with said justice of the peace of the affidavit for appeal, said justice shall return to the circuit court a transcript of the proceedings, certified by him from his docket in the usual manner, within ten days after such appeal is made, and thereupon the circuit court shall, at its next term, order a jury to be drawn from the number of jurors summoned to attend at said term, who shall be impaneled and sworn to try said appeal as to the amount of damages to be awarded to the person appealing, and said appeal shall be tried as in ordinary cases of appeals from justices' courts, and judgment shall be rendered in said circuit court upon their verdict. And the circuit court shall award costs to either party in its discretion; but if the person appealing recovers more damages in the circuit court than from the jury before said justice of the peace, then such person shall be entitled to full costs against said village, and the circuit court shall have full power to enforce the collection of such judgment against said village as in other cases of judgments against municipal corporations.

SEC. 77. The sum assessed by the jury or awarded as damages for the taking of such property, together with his, her, or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village; and if said parties or persons

do not reside therein, said sum shall be paid into the village treasury, subject to be drawn out by said party or persons entitled thereto, which said sum, when drawn by the parties entitled thereto, shall give to the treasurer a receipt in full for all damages or losses sustained by them, which said sum shall be paid, or tendered as aforesaid, before such highway, street, or alley shall be taken, made, used, opened, established, or altered by said common council. But if the jury find that the claimant or claimants to said damages or losses is or are not entitled to any damages, then it shall be competent for said justice to render judgment against said claimant or claimants for all costs that have been incurred in said trial, and issue execution therefor against said claimant or claimants.

When justice to render judgment against claimant for costs.

SEC. 78. Whenever the common council shall order any street or any portion thereof to be graded, paved, or otherwise improved, or shall order the construction of any sewer, bridge, culvert, or other like improvement, it may enter into a contract for the making of such improvement according to the provisions of this charter and the ordinances of this village; and after the cost and expense thereof has been ascertained, it shall cause the same to be assessed upon the lots and real estate herein made subject to such assessments, as hereinafter provided. For the purpose of such assessment, the assessor shall immediately proceed to establish and define a local assessment district, and shall make out a special assessment roll of all the lots and parcels of real estate within such district, and assess the entire cost and expense of such improvement upon the said lots and parcels of real estate in a just and equitable manner, assessing upon each lot or parcel of real estate in each district its just proportion of the whole amount of such cost and expense according to the best of his judgment, having reference to the proportionate amount of benefit to be derived from such improvement by each of said lots or parcels of real estate. On the completion of such assessment roll by the assessor, he shall immediately submit the same to the common council, who shall have power to revise the same, and may change the limits of the assessment district, or the amount of assessment upon any lot or parcel of real estate therein, or may order a new assessment roll to be made by the assessor and submit to the common council for approval. After the said assessment roll has been approved by the common council, the recorder shall give notice of at least ten days, by publication in some newspaper printed in said village, or by handbills posted in at least ten conspicuous places within said assessment district, that the common council will meet on a day and at an hour specified in said notice, to consider the final confirmation of said assessment roll. If a quorum of the common council shall not be present at such meeting, or if the revision of such assessment roll cannot be completed thereat, it may be adjourned from time to time for that purpose without further notice.

Council may enter into contract for making improvements.

Assessment of cost and expense

Assessor to define local assessment district, and make special assessment roll.

To submit roll to council for revision.

Notice of meeting of council for final confirmation of roll.

If quorum not present meeting may be adjourned.

SEC. 79. When all needful revision and correction of such assessment roll have been made to the satisfaction of the common council,

Resolution of confirmation.

After confirmation assessment a lien.

cil, it shall, by resolution, confirm the same. After such confirmation such assessment shall constitute a lien until paid upon said lots or parcels of real estate, and shall be collected in the manner provided hereinbefore for collecting the sums of money assessed on descriptions of land in case of street crossings.

Invalid assessment may be vacated and set aside.

SEC. 80. Whenever any special assessment for the improvement of a street, or for any other public work shall, in the opinion of the common council be invalid, said council may vacate and set the same aside; and when any [such] special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made for the purpose for which the original assessment was made. Such new assessment shall be made in the manner provided for making original assessments of like nature in force at the time when such assessment shall be made. And whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment set aside or held invalid as aforesaid, has been paid and shall not have been refunded, it shall be the duty of the assessor to apply said payment upon the re-assessment on said lot or parcel, and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter making special assessments a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection of special assessments shall apply to re-assessments made under this section. The provisions of this section shall apply to special assessments heretofore made, as well as to those which shall hereafter be made.

When set aside council may cause new assessment.

Manner of making new assessment.

Tax paid on assessment set aside, and not refunded to be applied on re-assessment.

Provisions making special assessments a lien, etc., shall apply to re-assessments.

Right of village to purchase tax lands and receive deed, etc.

SEC. 81. The village of Schoolcraft, in its corporate capacity, is hereby authorized and empowered to purchase all parcels of land which shall be advertised and offered for sale under the provisions of this act, of any tax or assessment which shall fail to be sold for want of bidders, and in case the same is not redeemed as provided by law, to receive a deed thereof from the village treasurer, and to hold, occupy and enjoy, use and possess, lease and encumber, and convey the same as fully and completely as a natural person might or could do; but such lands shall be liable to all taxes the same as if owned by a private individual, and such taxes shall be a lien in favor of such village.

Lands liable to taxation.

This act deemed a public act.

SEC. 82. This act shall be deemed a public act, and shall be liberally construed in all courts and places.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1875.

[No. 397.]

AN ACT to detach certain portions of territory from the townships of Hamtramck, Springwells, and Greenfield, and to annex the same to the city of Detroit.

Boundaries of city.

SECTION 1. *The People of the State of Michigan enact, That from and after the passage of this act, the following territory shall*

constitute the boundaries of the city of Detroit: Commencing at the northerly line of Jefferson avenue where it intersects the easterly line of Mount Elliott avenue, thence northerly on said line, and in a straight line extending to the one-fourth line of fractional section twenty-eight, town one south, range twelve east, thence westerly along said one-fourth line, to a point where the southerly line of the ten-thousand-acre tract extended would intersect said one-fourth line, thence westerly along the southerly line of the ten-thousand-acre tract, to the westerly line of Twelfth street, thence southerly along the westerly line of Twelfth street to the northerly line of private claims, thence westerly along the northerly line of private claims to the westerly line of the Porter farm, private claim twenty-one, thence southerly along the westerly line of the Porter farm, extended to the national boundary line in the Detroit River, thence along the said national boundary line to the point where said national boundary line intersects the easterly line of Mount Elliott avenue continued, thence northerly along said easterly line of Mount Elliott avenue to the place of beginning.

SEC. 2. All said territory, described in section one of this act, shall; from and after the passage of the same, be subject to all the laws, ordinances, and regulations which may at any time be enforced over said city, as at present constituted; the same being the territory described in section one: *Provided*, That the annexation of said territory shall not be held to interfere with or prevent the laying, collection, or appropriation of any tax levied or assessed upon any lands lying within said territory, for the year eighteen hundred and seventy-five, for State, county, school, highway, or township purposes.

Territory subject to laws, ordinances and regulations as at present constituted.

proviso—annexation of territory not to interfere with certain tax levied for 1875.

SEC. 3. This act shall not be construed to interfere with the arrangements or descriptions of the wards of said city as at present constituted. All additional territory of said wards as described in section one shall not be subject to taxation for city purposes prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy-six.

This act not to interfere with arrangement, etc., of wards. Additional territory not subject to tax for city purposes prior to January first, 1876.

SEC. 4. All the territory described in section one shall be set off, and added to the several wards of said city, as the common council of the same may direct.

Shall be set off and added to wards as council may direct.

SEC. 5. This act shall take immediate effect.

Approved May 3, 1875.

[No. 398.]

AN ACT to amend section thirty-five of an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven, as amended by the acts amendatory thereof, approved April thirtieth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-five of an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred

Section amended.

and fifty-seven, as amended by the acts amendatory thereof, approved April thirtieth, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows :

Council may direct damages, etc., to be assessed upon all the lots, etc., within a certain district.

Notice, what to contain.

Jury in such case to assess according to benefits.

Proviso—assessment and payment of damages

SEC. 35. The common council shall have power, by resolution, to direct what portion of the compensation to be paid for any private property, taken for any avenue, street, or highway, be assessed to, and apportioned upon, all the lots, premises, or subdivisions thereof within a certain district, to be defined and described in said resolution ; and in such case the notice required in section two of said chapter, to be given by the city attorney in case of street openings, shall contain a statement that the jury will also assess and apportion the damages and compensation to be paid to the owners of the property taken for the improvement upon the lots of land, premises, and subdivisions thereof within said district, which shall be therein described ; and in such case the jury shall assess and apportion the total damages, and the compensation to be paid for the proposed improvement, or such part thereof as the common council may have determined, upon the lots of land, premises, and subdivisions thereof within such district, which will be benefited by such improvement in proportion to the amount of benefit they will severally receive ; and the several lots of land, premises, and subdivisions thereof in said district shall pay the same proportionate part of the costs and expenses of said proceeding, to be taxed and assessed by the recorder's court, as they pay off the damages : *Provided*, That the amount of damages to be assessed upon the district shall not exceed three-fourths of the total amount of damages, costs, and expenses, and the amount not so assessed shall be paid from the street opening fund, and the part of such damages, costs, and expenses of such improvement so assessed upon such district, shall be collected in the manner prescribed in section twenty-five of this act.

SEC. 2. This act shall take immediate effect.

Approved May 4, 1875.

[No. 399.]

AN ACT to authorize the corporation of Bay City to assume and pay the indebtedness incurred in the construction of the Fourteenth street sewer in said city, and to provide for the payment thereof.

Corporation authorized to pay certain sewer indebtedness.

SECTION 1. *The People of the State of Michigan enact*, That the corporation of Bay City be and is hereby authorized to assume and pay the indebtedness incurred in the construction of the Fourteenth street sewer in said city, for which orders signed by the officers of said city have been given.

To provide for payment of same by general tax, or may loan money to pay same.

SEC. 2. Said city is hereby authorized to provide for the payment of said indebtedness by general tax on the taxable property of said city ; or, in the discretion of the common council of said city, it may loan the money necessary to pay the said indebtedness, and issue its bonds therefor. If the said council shall determine to loan the

money and issue bonds as aforesaid, the same shall be issued in like manner, and subject to like regulations as are provided in the charter of said city for the issuing of the bonds thereof.

Manner of
issuing bonds if
council deter-
mine to loan
money.

SEC. 3. This act shall take immediate effect.

Approved May 4, 1875.

[No. 400.]

AN ACT to ratify and accept an agreement made by the owners of the Jackson and Michigan plank road, to surrender the same and relinquish the right to receive tolls thereon.

SECTION 1. *The People of the State of Michigan enact, That* Agreement accepted by State.
on determination by any court of competent jurisdiction, of the execution of a certain alleged agreement, made on or about the ninth day of March, eighteen hundred and seventy-one, by and between Marvin Dorrill, Almon Patterson, and Frank Standish, owners of the Jackson and Michigan plank road of the one part, and John F. Drew, Ephraim Van Horn, and Marvin Myres, a citizens' committee, or a majority of them, of the townships of Blackman and Rives, in the county of Jackson, in which said plank road is situate, of the other part, the same shall be and is hereby accepted on the part of the State of Michigan as contracting party, with said Jackson and Michigan Plank Road Company.

SEC. 2. This act shall take immediate effect.

Approved May 5, 1875.

NOTE.—The words and sentences enclosed in brackets in the foregoing laws were in the engrossed copies, and passed by the Legislature, but not in the enrolled copies.

CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, } ss.
Secretary's Office,

I, E. G. D. HOLDEN, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State, for the present year, was May fourth, one thousand eight hundred and seventy-five.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the
[L. S.] great seal of the State of Michigan, at Lansing, this twentieth
day of May, in the year of our Lord one thousand eight hundred and seventy-five.

E. G. D. HOLDEN,
Secretary of State.

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